

EGYPT: HUMAN RIGHTS SEVEN YEARS AFTER THE REVOLUTION

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS

FIRST SESSION

DECEMBER 6, 2017

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WEDNESDAY, DECEMBER 6, 2017

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION
Washington, D.C.

The Commission met, pursuant to call, at 2:30 p.m., in Room 2255, Rayburn House Office Building, Hon. Randy Hultgren [co chairman of the Commission] presiding.

Mr. HULTGREN: We are going to go ahead and get started. The panelists can come up to the front if that is all right. Thank you.

Well, good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on Egypt: Human Rights 7 years after the Revolution. I would like to thank our distinguished experts for taking the time out of their busy schedules and important work to come and testify on this topic today.

In the Winter of 2011, the world watched with amazement and some nervousness as hundreds of thousands of Egyptians took to the streets to demand the universal rights they felt they had been denied. The massive, and largely non violent display, of protests led to the resignation of President Mubarak and inspired hope amongst Egyptians and the international community for the kind of government that might arise in its aftermath.

Almost 7 years after the revolution, has the human rights situation improved in Egypt? As Vice President Pence prepares to visit Egypt this month, we wish to better understand where Egypt stands on human rights issues and the related international commitments it has made.

It is because Egypt is such a strong and longstanding ally of the United States that we believe these issues are so important. Today's hearing will focus on three key areas of human rights in Egypt, including rule of law as it affects civil society, Coptic Christians and religious freedom, and prisons of conscience and their prison conditions.

Earlier this year, President Abdel Fattah al Sisi ratified a new NGO law, Law 70 of 2017, that restricts civil society groups in Egypt from implementing developmental and charity programs outside of government control. The law requires NGOs to receive prior approval from internal security before accepting foreign funds. It also restricts the scope of permitted NGO activities and increases penalties for violations.

Other laws have passed placing state control over media outlets, restricting the right to peaceful assembly and protest, and expanding the President's power to appoint members of top judicial bodies. Egypt's Coptic Christians and other religious minorities continue to endure persecution, with several other several church closures in October alone. Violent terrorist attacks against church congregations continue to target and kill worshipers in the space where they should feel safest.

In addition to the attacks against the Coptic communities, I was very saddened to hear about the killing of over 300 Sufi Muslims in Egypt 2 weeks ago. This is a tragedy that no person or family should have to endure. Freedom of belief is a cornerstone human right that every individual and community is entitled to.

Lastly, the Tom Lantos Human Rights Commission has taken a special interest in the cases of prisoners of conscience around the world so that the world does not forget about those who are having their most basic rights taken away. Thousands of prisoners languish in Egyptian prisons without charges, access to legal counsel, due process, or even proper food and medical care.

Ola al Qaradawi. Qaradawi, excuse me. Ola al Qaradawi and her husband, Hossam Khalaf, are U.S. legal permanent residents with eight American citizen family members. Ola and Hossam have been held for over 150 days in incommunicado solitary confinement in violation of Egyptian and international law. They have been denied all access to family or legal counsel, and are held in windowless cells 24 hours a day, with only a 5 minute bathroom break daily. They have been denied regular access to the canteen, resulting in serious weight lost for both of them from the inedible food.

While the state run media claims that they have been charged with crimes, their lawyer has been given no information in writing of any kind, and the Egyptian government has declined repeated requests to address these grave violations.

Another similar example is Mahmoud Hussein, an Egyptian journalist who was arrested in December 2016. He has been in prison now for a year, spending his first 100 days in solitary confinement. To date, he has still not seen the judge or been able to determine the charges against him. Pretrial detentions, like Mahmoud's are renewed every 45 days. Meanwhile, the prisoner suffers under inhumane conditions without access to due process.

We recognize Egypt is facing very different security threats from dangerous terrorist organizations and armed groups, but we encourage the Government to combat these threats within the framework of human rights and their commitments to international law.

I look forward to hearing an update on these different aspects of the human rights situation in Egypt and how the United States Government can better partner with the

Egyptian government on these issues. So, again, thank you all for being here. This is a really important hearing, and it shows with the great interest that we have.

With that, I would like to turn to our panelists for your presentation. First, grateful to have Amy Hawthorne, will go first, Deputy Director for Research, Project on Middle East Democracy. Next is George Gurguis—

Mr. GURGUIS: Gurguis.

Mr. HULTGREN: Gurguis, thank you. Sorry about that. George Gurguis, President of the Coptic Solidarity. Next, Joe Stork, Former Deputy Director of the Middle East and North Africa Division, Human Rights Watch. And then Michele Dunne, Senior Fellow and Director of the Middle East, Carnegie Endowment for International Peace.

Thank you all so much for being here. It is a busy day. I apologize. So colleagues will be coming in and out. My co chairman, Jim McGovern, should be coming in shortly, but I know he had several other mark ups today, and there will be other colleagues that will come in as well. But we will be certain to share your testimony with our colleagues as well. But with that, I will hand it to Amy, if you would start us.

[The prepared statement of Co-chair Hultgren follows]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS AND
CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Egypt: Human Rights Seven Years After the Revolution

December 6, 2017

2:30 – 4:00 PM

2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good afternoon and welcome to the Tom Lantos Human Rights Commission's hearing on Egypt: Human Rights Seven Years After the Revolution. I would like to thank our distinguished experts for taking the time out of their busy schedules and important work to come testify on this topic today.

In the Winter of 2011, the world watched with amazement and some nervousness as hundreds of thousands of Egyptians took to the streets to demand the universal rights they felt they had been denied. This massive, and largely non-violent display of protest led to the resignation of President Mubarak, and inspired hope amongst Egyptians and the international community for the kind of government that might arise in its aftermath. Almost seven years after the revolution, has the human rights situation improved in Egypt?

As Vice President Pence prepares to visit Egypt this month, we wish to better understand where Egypt stands on human rights issues and the related international commitments it has made. It is because Egypt is such a strong and longstanding ally that we believe these issues are so important.

Today's hearing will focus on three key areas of human rights in Egypt, including rule of law as it affects civil society, Coptic Christians and religious freedom, and prisoners of conscience and their prison conditions.

Earlier this year President Abdel Fattah al-Sisi ratified a new NGO law, Law 70 of 2017, that restricts civil society groups in Egypt from implementing developmental and charity programs outside of government control. The law requires NGOs to receive prior approval from internal security before accepting foreign funding. It also restricts the scope of permitted NGO activities and increases penalties for violations. Other laws have passed placing state control over media outlets, restricting the right to peaceful assembly and protest, and expanding the President's power to appoint members of top judicial bodies.

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Lastly, the TLHRC has taken a special interest in the cases of prisoners of conscience around the world so the world does not forget about those who are having their most basic rights taken away. Thousands of prisoners languish in Egyptian prisons without charges, access to legal counsel, due process, or proper food and medical care.

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We recognize Egypt is facing very difficult security threats from dangerous terrorist organizations and armed groups, but we encourage the government to combat these threats within the framework of human rights and their commitments to international law.

I look forward to hearing an update on these different aspects of the human rights situation in Egypt, and on how the United States government can better partner with the Egyptian government on these issues.

STATEMENTS OF AMY HAWTHORNE, DEPUTY DIRECTOR FOR RESEARCH, PROJECT ON MIDDLE EAST DEMOCRACY; GEORGE GURGUIS, PRESIDENT, COPTIC SOLIDARITY; JOE STORK, FORMER DEPUTY DIRECTOR OF THE MIDDLE EAST AND NORTH AFRICA DIVISION, HUMAN RIGHTS WATCH; AND MICHELE DUNNE, SENIOR

**FELLOW AND DIRECTOR OF THE MIDDLE EAST PROGRAM, CARNEGIE
ENDOWMENT FOR INTERNATIONAL PEACE**

**STATEMENT OF AMY HAWTHORNE, DEPUTY DIRECTOR FOR
RESEARCH, PROJECT ON MIDDLE EAST DEMOCRACY**

Ms. HAWTHORNE: Good afternoon. Thank you, Mr. Chairman, and your colleagues, for convening this important hearing and for inviting me to testify. The United States and the people of the Egypt want a stable, secure, and peaceful Egypt, but the mass human rights violations taking place threaten that hope.

I have been asked to speak about the draconian legal framework that the regime of Abdel Fattah al Sisi is building to, quote, legalize these rights violations, and on the role of Egypt's parliament in that process. Since the ouster of President Mohamed Morsi in July 2013, Egypt has descended into a military autocracy, one even more brutal than the Dictatorship of Hosni Mubarak.

Tens of thousands of citizens have been harassed, forcibly disappeared, imprisoned, tortured, and even killed for the, quote, crime of opposing the government. Victims of this vast crackdown include some 40,000 political prisoners. Islamists, secular activists, and many others, both Muslim and Christian. Young people have been especially affected.

Rights and freedoms, even though supposedly guaranteed by Egypt's 2014 constitution, have been stripped away. Political life has been sharply curtailed. Due process is absent. Powerful military security and intelligence leaders run the country. Today, Egypt is governed by fear instead of by the rule of law.

Nevertheless, laws are very important to this new authoritarian system. Since Morsi's overthrow, Egypt has been steadily constructing a new repressive legal framework that surpasses even Mubarak's. The overarching goal is to protect those who hold power and suppress those who speak against repression, and call for rights and justice. The regime also aims to codify authoritarian practices, and give its actions a veneer of, quote, legal legitimacy.

Egypt's parliament has played a central role in this process. This legislature was formed through 2015 elections that credible sources describe as heavily influenced by security and intelligence agencies to ensure that only regime loyalists would enter. The parliament does not even have any token opposition representation. Some lawmakers have complained that security agencies continue to dominate the institution. When a few brave MPs have voiced their concerns about this interference or objected to the legislation being pushed through, the parliamentary leadership has punished them for falling out of line.

In one case, a prominent legislator, the nephew of Anwar Sadat, was actually expelled. My written testimony, which I have submitted for the record, describes in more detail, many of the repressive laws enacted since 2013. I will mention now just four very briefly.

The protest law makes authorized protests against the government effectively impossible. Under this law, thousands of young Egyptians have been jailed simply for peacefully protesting. The antiterrorism law defines terrorism in such sweeping terms, to include speech writing and other peaceful dissent. This law has been used to imprison peaceful activists who have nothing to do with terrorism.

The NGO Law, which criminalizes many NGO legitimate NGO activities, and severely limits domestic and foreign funding, and imposes prison sentences for violations. Its goal is the elimination of independent civil society in Egypt.

The Youth Entities Law, which parliament passed just yesterday, explicitly bans all political activity, even discussions about politics in youth recreation centers and sports clubs. And in recent months, yet more repressive legislation has been proposed, including an antihomosexuality bill that would, for the first time in Egypt, explicitly criminalize same sex relations. This bill would impose prison sentences for those convicted of homosexual acts, quote, unquote, and for anyone who promotes LGBT rights. It follows a police round up of young people accused of, quote, "debauchery," which is code for the LGBT community in Egypt. And proposed amendments to the Nationality Law that would open the door to stripping citizenship from opponents of the regime, dissidents inside Egypt and in exile are at risk.

The regime justifies all this draconian legislation as required to fight terrorism, but it is exploiting a genuine terrorism problem to silence dissent and build up its own power. Glaringly, while the parliament is passing repressive laws at a rapid pace, the attacks of jihadist groups are becoming bloodier, as we saw in the horrific assault in the Sinai 2 weeks ago.

The state's determination to crack down on all nonviolent opposition diverts attention and resources from the difficult fight against terrorism. Such repression also can breed anger and despair, enlarging the pool of disaffected Egyptians from which terrorist groups can draw support.

Egyptian officials often claim that its parliament shows the country's democratic progress. In fact, it is only further evidence of the elimination of space for independent, political, and social activity. A legislature that excludes genuine opposition voices pose risk to Egypt's stability. Egypt needs representative accountable institutions that can formulate sound policy responses to complex challenges, and give different parts of society a voice.

As we saw under Mubarak, in a country without such safety valves, and without the rule of law or justice, an eventual eruption of popular unrest is certainly possible. For this reason, the United States must express serious concerns to Egypt's government about this human rights crisis. U.S. officials should press on three pivotal laws in particular, the Protest Law, the NGO Law, and the Anti Terrorism Law. Each of these laws blocks the exercise of fundamental rights that are essential for a peaceful and tolerant society.

Keeping silent about the troubling trajectory Egypt is on ultimately serves neither Egyptian nor U.S. interests. Thank you very much, and I look forward to your questions.

[The prepared statement of Ms. Hawthorne follows]

PREPARED STATEMENT OF AMY HAWTHORNE



Congressional Testimony

Tom Lantos Human Rights Commission Hearing

EGYPT: HUMAN RIGHTS SEVEN YEARS AFTER THE REVOLUTION

Testimony of

Amy Hawthorne

Deputy Director for Research
Project on Middle East Democracy

December 6, 2017

Thank you, co-chairmen and members of the Commission, for convening this important hearing and for inviting me to testify. The United States, and of course the people of Egypt, continue to have a stake in a stable, secure, peaceful Egypt. The mass human rights violations that are taking place threaten that future. I have been asked to focus my testimony on the draconian legal framework that the regime of Abdel Fattah al-Sisi is constructing steadily, and on the role of the parliament in that process.

Background

Nearly seven years after the Tahrir Square uprising inspired Egyptians to go to the streets to demand economic opportunity, freedom, dignity, and social justice, Egypt has descended into military autocracy, in a form even harsher than what existed under the Hosni Mubarak dictatorship. Since the military-led ouster of President Mohamed Morsi in July 2013 and the subsequent ascent of General Abdel Fattah al-Sisi to power, serious human rights abuses and other repression are occurring on a scale unseen in decades. Tens of thousands of citizens have been harassed, threatened, forcibly disappeared, arrested, detained, imprisoned, abused, tortured, and killed for the “crimes” of opposing the government, criticizing its policies, or advocating alternative political visions—and sometimes even for no discernible reason. Victims of the vast crackdown include Islamists, secular pro-democracy and rights activists, secular nationalists, businesspeople, judges, lawyers, members of parliament, journalists, writers, people attending concerts, and even apolitical ordinary Egyptians caught in the dragnet. Young people have been especially affected. And the crackdown has recently expanded to include presidential candidate hopefuls, which puts the credibility of the 2018 presidential elections in serious question.¹

Under al-Sisi rights and freedoms, even those formally guaranteed by Egypt’s 2014 constitution, have been stripped away. Public space has been sharply curtailed and the public sphere is policed for infractions of the regime’s strict political, moral, and cultural rules. The press and broadcast media are under increasingly tight regime control, and surveillance of the Internet is expanding. Hundreds of media and NGO websites have been blocked in recent months with no official explanation. The state has expanded its powers while making it almost impossible for citizens to hold their rulers accountable. Human rights abusers enjoy impunity. The judiciary, which once had a few pockets of independence and enjoyed some degree of prestige, has become subordinated to the executive branch, leading to a judicial system that upholds repression but offers little hope of justice. Egypt is run by powerful military, security and intelligence leaders who call the shots, behind a façade of civilians in the executive branch and the parliament. Al-Sisi governs Egypt through rule-by-fear instead of the rule of law.

A New Legal Framework for Repression

Nevertheless, laws are very important to this authoritarian system. Since 2013, Egypt has been steadily constructing a new legal framework for repression. The goal of these laws is to protect those who hold power and to prevent, through punishment and intimidation, any challenges to the system, especially the through the kind of mass civic mobilization and popular activism that was common in Egypt from the Tahrir Square uprising through the ouster of Morsi. Through such laws, the regime seeks to institutionalize repression and to give its actions a veneer of “legality” and

1. For overviews of the human rights situation in Egypt, see “World Report 2017: Egypt,” Human Rights Watch, <https://www.hrw.org/world-report/2017/country-chapters/egypt> and “Country Reports on Human Rights Practices for 2016: Egypt,” US Department of State, Bureau of Democracy, Human Rights and Labor, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dld=265494>

legitimacy before domestic and international audiences, as well as to deflect attention from the difficult security and economic conditions inside the country. The new repressive laws go far beyond even what was on the books during the dictatorship of Mubarak.²

These repressive laws were issued first by presidential decree (July 2013 through December 2015, before the parliament was in place), and later approved by the parliament that was elected in fall 2015, which also has passed additional authoritarian legislation since its first session in January 2016.

The Role of al-Sisi's Parliament

The nearly 600-member parliament was formed through an election process that credible reports describe as manipulated by security and intelligence agencies to ensure the election of only loyal pro-regime figures and as marred by very low turnout. For the first time in many years, Egypt's parliament does not include even token representation of genuine opposition forces; the institution is dominated by different shades of pro-Sisi lawmakers. Some lawmakers themselves even have complained that security and intelligence agencies control parliament from behind the scenes, ending any small degree of independence from the executive branch that it might have once had. One prominent MP, Mohamed Anwar al-Sadat, was expelled after he complained publicly about such interference (and also criticized repressive NGO legislation). In its nearly two years of work, the parliament has passed numerous repressive laws in a rubber-stamp process. When a handful of lawmakers have raised concerns or objections, the parliamentary leadership often has punished them for falling out of line. MPs also use the platform of parliament to justify the growing repression and to denigrate Egyptians and foreigners who criticize the situation inside the country.³

Repressive Laws Enacted Since 2013⁴

- The **Demonstrations Law** (issued by presidential decree in 2013; amended by parliament in 2017). This law makes authorized protests against the government effectively impossible and allows up to five years imprisonment for unauthorized peaceful protestors who “violat[e] general security and public order.” Thousands of young Egyptians have been arrested and jailed under this law.⁵
- Amendments to the **Penal Code** (issued by presidential decree in 2014; ratified by parliament in 2016). These amendments criminalize an undefined set of activities as “harming the nation’s interest” and, in the presumed context of combating terrorism, impose extremely harsh penalties—a minimum sentence of life imprisonment (and the death penalty for government employees) for “receipt of foreign funds with intent to harm national security.” Human rights defenders are being investigated under the Penal Code.

2. See Amr Hamzawy, *Legislating Authoritarianism: Egypt's New Era of Repression*, Carnegie Endowment for International Peace, March 2017, <http://carnegieendowment.org/2017/03/16/legislating-authoritarianism-egypt-s-new-era-of-repression-pub-68285> and Ragab Saad, “All the President’s MPs: The Egyptian Parliament’s Role in Burying Human Rights and Silencing Dissent,” Project on Middle East Democracy (POMED), June 2017, <http://pomed.org/pomed-publications/pomed-snapshot-all-the-presidents-mps-the-egyptian-parliaments-role-in-burying-human-rights-and-silencing-dissent/>

3. *Ibid.*

4. See Hamzawy, *Legislating Authoritarianism*, and Saad, “All the President’s MPs,” and “Egypt’s Antidemocratic Parliament,” Fact Sheet, POMED, October 2017, <http://pomed.org/pomed-publications/fact-sheet-egypts-anti-democratic-parliament/>

5. The Egyptian judiciary has handed down prison sentences for demonstrators under both the Demonstrations Law and the colonial-era Assembly Law (Law No. 10/1914). See “Toward the Emancipation of Egypt: A Study by CIHRS on the Assembly Law,” Cairo Institute for Human Rights Studies, January 2017, <http://www.cihrs.org/?p=19448&lang=en> and Mohamed Ansary, “How Egypt Uses a Colonial-Era Law to Crush Protests,” POMED, March 2017, <http://pomed.org/media-posts/how-egypt-uses-a-colonial-era-law-to-crush-protests/>

- Amendments to the **Military Court Law** (issued by presidential decree in 2014; ratified by parliament in 2016). The amendments give the army broad jurisdiction over vaguely defined “vital institutions,” including roads and other public property, and greatly expand the conditions under which civilians can be tried in military courts.
- The **Anti-Terrorism Law** (issued by presidential decree in 2015; ratified by parliament in 2016). This law defines “terrorism” in sweeping terms, to include speech, writing, and other peaceful dissent that the authorities deem to “harm national unity, social peace, or national security” as well as actions that “obstruct the enforcement of any of the provisions of the Constitution, laws, or regulations.” This law has been used to imprison peaceful activists, including for politically-oriented postings on social media.⁶
- The **Terrorist Entities Law** (issued by presidential decree in 2015; ratified by parliament in 2016). The terrorist entities law allows the public prosecutor to place Egyptians on a “terrorist entities list” under the law’s broad definition of terrorism and without an initial judicial ruling.
- The **NGO Law** (passed by parliament in 2016). This law criminalizes a vast range of legitimate NGO activities, severely limits domestic and foreign funding of NGOs, and increases already-excessive state control over Egyptian and foreign civic organizations’ work. Violations may result in heavy fines and prison sentences.⁷ Provisions of this law, including a tax on funding, may violate U.S. law governing assistance to foreign countries, thereby impeding core U.S. foreign assistance programs in Egypt.
- The **Media Entities Law** (passed by parliament in 2016). This law creates three oversight bodies, whose heads are appointed by the President and are tasked with ensuring the conformity of the media to government fiat by censoring content they deem “immoral” or “harmful to national security.” (One oversees the state-owned press, a second regulates state-owned audiovisual entities, and a third regulates all print, broadcast, and digital media, both private and public.)
- Amendments to the **Judicial Authorities Law** (passed by parliament in 2017). These amendments weaken judicial independence by giving the president the role of choosing the heads of top judicial bodies.
- Amendments to the **Emergency Law** (passed by parliament in 2017). These amendments severely restrict citizens’ rights and erode due process under the guise of fighting terrorism.
- The **“Youth Entities” law** (passed by parliament in 2017). This law explicitly bans all political activity, even conversations addressing political topics, in public youth institutions such as sports clubs and recreation centers.
- The **Labor Union law** (passed by parliament in 2017). This law limits the activities of independent labor unions and grants the government broad powers to interfere with their activities.

6. Mahmoud Farouk, “The Wrong Target: Egypt Imprisons Nonviolent Student Activist for Terrorism,” POMED, October 2017, <http://pomed.org/pomed-publications/pomed-snapshot-the-wrong-target-egypt-imprisons-nonviolent-coptic-christian-for-terrorism/>

7. “The Dangers of Egypt’s NGO Law,” POMED, March 2017, <http://pomed.org/pomed-publications/dangers-of-egypts-ngo-law/> and “Egypt’s Campaign against Civil Society,” POMED, September 2017, <http://pomed.org/pomed-publications/fact-sheet-egypts-campaign-against-civil-society/>

According to Egyptian legal experts, many elements of these laws violate Egypt's 2014 constitution as well as obligatory international human rights conventions and resolutions. Article 93 of Egypt's constitution states that Egypt is obliged to respect the international treaties and human rights charters to which it is a signatory. In some cases, security agencies do not even honor the rules and procedures contained in these laws, exceeding their generous legal provisions in the process of committing human rights violations.

Repressive Legislation Recently Proposed or Pending before Parliament⁸

In addition to the aforementioned laws and amendments, in recent months additional repressive legislation has been proposed, and some bills are now before parliament. They include:

- A bill **criminalizing homosexuality**. For the first time in Egypt, this law would explicitly criminalize same-sex relations. It would impose prison sentences for those convicted of "homosexual acts" as well as for anyone who "supports or promotes the acceptance of LGBT individuals in Egyptian society or the rights of the LGBT community in Egypt."⁹
- A **press and media regulation bill**. This legislation elaborates the regulations to which media and press organizations will be held by the three supervisory bodies created by the 2016 Media Entities Law, enshrining their influence over private and public media.
- Proposed amendments to the **Nationality Law**. The amendments, approved by the cabinet in September 2017, would enable the state to strip citizenship based on a sweeping definition of who poses a threat to "national security" and "public order."¹⁰
- Various bills and amendments of existing laws to **monitor and control activities on the Internet**. Proposed provisions would impose criminal penalties for spreading "false information about the state" online, establish a legal framework for banning websites, and tighten control over social media usage, including by requiring state-issued identification to register with social media websites.

As many analysts have noted, al-Sisi's regime justifies this draconian legislation as required to "fight terrorism" and "protect national security." The regime is exploiting the genuine terrorist problem in Egypt to silence dissent and to build up its own power. While the parliament is passing such repressive laws at a rapid pace, terrorist incidents are becoming bloodier and bloodier. Most recently, on November 24, a horrific jihadist assault against civilians worshipping in a mosque in North Sinai killed more than 300 people, including at least 27 children, in the most lethal attack by a terrorist group in Egypt's modern history.¹¹ The regime's determination to crack down on nonviolent opposition diverts energy and resources from the difficult fight against terrorism. Such repression

8. POMED, "Egypt's Antidemocratic Parliament."

9. "Egypt: Draft Bill to Criminalize Same-Sex Relations amid Unprecedented Homophobic Crackdown," Amnesty International, November 9, 2017, <https://www.amnesty.org/en/latest/news/2017/11/egypt-draft-bill-to-criminalize-same-sex-relations-amid-unprecedented-homophobic-crackdown/>. Amnesty reports that the draft bill even includes a provision to "shame individuals convicted under the law by publishing their names and sentences in two widely read national newspapers."

10. Nael Shama, "Stripping Away Identity: The Dangers of a Repressive New Nationality Law in Egypt," POMED, December 2017, <http://pomed.org/pomed-publications/pomed-snapshot-stripping-away-identity-the-dangers-of-a-repressive-new-nationality-law-in-egypt/>

11. The massacre on August 14, 2013 at Raba'a and Nahda squares in Cairo, in which security forces killed at least 800 protestors, is the worst act of civilian death on a single day in Egypt's modern history. See *All According to Plan: The Raba Massacre and Mass Killings of Protesters in Egypt*, Human Rights Watch, August 2014, <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>

also can breed resentment, anger, and despair among parts of the population, enlarging the pool of disaffected Egyptians from which terrorist groups can recruit and build support.

Conclusion and Recommendations

In the years following the January 2011 uprising, Egypt's military and security leaders have worried about a recurrence of mass citizen mobilization that would target them. Especially since 2013, they have gone to great lengths to suppress political activism, civil society, independent media, and youth initiatives, while castigating peaceful opposition activists, human rights defenders, and other Egyptians as terrorists, traitors, and foreign agents. Egypt's parliament has played a central role in these efforts with its swift approval of a long list of repressive laws that codify and entrench authoritarian practices.

Egyptian officials often assert that this parliament is a sign of the country's "democratic progress." Instead, it is just further evidence of the evaporation of space for independent political and social activity. Any such characterization obviously is not only highly inaccurate, but even cynical. The reality is that a legislature that excludes genuine opposition voices, that rubber-stamps most authoritarian directives from the executive branch, and that stifles debate even among its own members not only is antidemocratic, but also may pose risks to stability. As Egypt faces complex security, economic, and social challenges, the country needs effective avenues to channel citizen demands to decision-makers and to debate sound policy responses. Instead, the parliament and other such mediating bodies are being hollowed out. As occurred during Mubarak's autocracy, in a country without the rule of law, justice, or safety valves in the form of representative and accountable governing institutions, an eventual eruption of popular unrest only becomes more likely.

Regarding the role of the United States in addressing the issue of repressive legislation and the role of parliament in Egypt, I would like to offer **three suggestions**.

1. U.S. officials, from the executive branch and Congress, should press the Egyptian government on **five laws** in particular. The demonstrations law, the NGO law, and the anti-terrorism law, which in their current forms make the exercise of the fundamental rights of free assembly and expression all but impossible. The **demonstrations law** is responsible for the arrest and imprisonment of thousands of Egyptian young people who simply gathered in public, sometimes for only minutes, to express their political views peacefully. State regulation of public demonstrations is legitimate but should not be designed to deter to nonviolent protests or impose prison sentences. The **NGO law** stifles peaceful civil activity, including the work of Egypt's indigenous human rights community that is crucial to monitor and analyze human rights violations, as well as of development and charitable organizations. The law also hinders the activity of U.S.-funded NGOs operating in Egypt. The UN Special Rapporteur on the Right to Peaceful Assembly and Association has warned that this law threatens to "devastate" Egypt's civil society.¹² The **anti-terrorism law** is not an effective counter-terrorism tool because it is being used not only against actual terrorists but also to punish people who may oppose the government but who have nothing to do with

12. "Egypt NGO Bill Threatens to 'Devastate' Civil Society, UN Expert Warns," United Nations Office of the High Commissioner for Human Rights, November 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20920>

terrorism. In addition, the United States should press Egypt not to move forward with the **law criminalizing homosexuality**, which violates international norms and would inflict shocking cruelty on Egyptians' actions in their private lives or for their personal beliefs, or with the **amendments to the Nationality Law**, which if enacted would be a powerful blow to Egypt's dissident communities.

2. The United States should **avoid providing assistance** (such as training programs, capacity-building, equipment, study tours, and the like) to this parliament. Such aid not only would be wasteful in the current circumstances, but also would grant a seal of approval to an antidemocratic institution.
3. When delegations of Egyptian MPs visit the United States, American lawmakers and executive branch officials should forthrightly **raise serious concerns about Egypt's human rights crisis** and the country's growing authoritarianism. Keeping silent about the dangerous trajectory of Egypt, the Arab world's most populous country and a longtime U.S. regional partner, ultimately serves neither Egyptian nor U.S. interests.

Mr. HULTGREN: Thank you, Ms. Hawthorne. Dr. Gurguis, thank you for being here. You are recognized next.

STATEMENT OF GEORGE GURGUIS, PRESIDENT, COPTIC SOLIDARITY

Mr. GURGUIS: Good afternoon. I would like to thank co chairs, Representatives Hultgren and McGovern, for hosting this important hearing on the state of human rights in Egypt. I am grateful for the opportunity to share with you our assessment of the situation of the Copts in Egypt.

In January 2011, Egyptians took to the streets in a popular uprising that brought down Mubarak's despotic regime. Copts were significantly represented in the uprising, had high hopes as the rest of the Egyptians for an open secular civil society where all Egyptian citizens are equal before the law, free to pursue their aspirations.

Seven tumultuous years later, such hopes have proved to be more elusive than ever, if not replaced with despair. From the outset, the brutal response of Egypt's Army on October 9, 2011, injuring 321 and killing 28 peaceful Coptic demonstrators, several of them trampled under Army vehicles, in what is now known as the Maspero massacre, was intended to convey one message. Copts are not supposed to have a political voice in Egypt's future. In that massacre, Egypt's Army set a role for later terrorist attacks in Europe to use against peaceful civilians.

The short lived 1 year rule by the Muslim Brother witnessed increased and the attacks against Copts, their person, their property, and churches by fanatic Islamists. More significantly, for the first time we witnessed mob rioters scaling the walls of St. Mark's Cathedral, where the Coptic Patriarch resides, under the eye of the security forces standing there passively.

The second uprising that brought an end to the Muslim Brotherhood's rule and the intervention of the Army, brought back hope to Egypt and the Copts. However, the despite the overwhelming support when 20 it is estimated that 20 million Egyptians took to the streets, Copts, again, were used as a scapegoat. They were singled out for supporting al Sisi, and were targets of Muslim Brother's fury. One hundred and ten churches and Coptic institutions were destroyed or burned down by the Muslim Brothers in what is known as Egypt's Kristallnacht, as declared or termed by the Honorable Lord Alton of Liverpool of the United Kingdom.

Since his election as President, Mr. Sisi pursued increasing the authoritarian measures to consolidate his power, silencing political dissent, controlling the media, imprisoning human rights activists, and above and beyond, failing to protect the religious minority. According to Bahey el Din Hassan of Cairo Institute of Human Rights, more Copts were killed under Sisi than before.

At this point, I would like to point out that Coptic Solidary is not an opposition organization to Mr. Sisi, it is a civil society actor that pursues awareness and advocacy for human rights and equal rights for all Egyptians in Egypt.

It is the modus operandi of Mr. Sisi to pin all attacks against Copts as perpetrated by foreign terrorist. However, most of the attacks on the Copts are perpetrated by fanatic Islamists that are neighbors of the Christians they attack. As put eloquently by Fouad Abdel Moneim Riad, member of Egypt's National Human Rights Council and former judge on the International Tribunal for former Yugoslavia, the real threat or danger to Egypt's very existence is not terrorism, but the criminal fanaticism against an authentic part of the Egyptian nation, and the state's lack of seriousness to prevent it.

Since Sadat initiated Islamization process of Egypt in the 1970s, Copts have been suffering the modern wave of persecution. Copts are indigenous Christians, they present 10 to 12 percent of Egypt's population, or numbering about 10 million individuals. However, they lack any political representation. They have no political party or organization that defends or speaks for their interests before the government.

This is an advantageous situation for the government, which has succeeded over time to corrupt, if not coerce the church, to toe the line. There is denial by church leaders, the Coptic Patriarch, Pope Tawadros and Reverend Zaki, President of the Council of Protestant Churches, delivered letters to United States' Congressmen in their visit in October 2017, stating that under Sisi the situation for the Christians, I quote, is that is much better, and Sisi has been unlike any other leaders in Egypt. They declared that the situation for Christians has improved, despite evidence to the contrary.

A war of attrition. It is a fact that the Copts have been under attack in more ways than possible. From systematic discrimination to the intermittent terrorists attacks or bombing of churches, it is the latter that attracts more attention. As the spectacular as the loss of life in these large bombings attract attention, it is actually the heinous and systematic discrimination and oppression on a daily basis that does not meet media attention or condemnation. This entrenched system of discrimination is no less heinous in breaking down the Copts into a state of submission, hopelessness, and drives the dramatic rise of Coptic emigration from their homeland.

We have identified five areas of discrimination the Copts are suffering. I would like to proceed. In terms of equality, Copts are seriously underrepresented in all government institutions. Despite the number, about 10 percent, Copts are not much less Copts are accepted into military or police academy, judiciary posts, diplomatic corps, university, or academic positions. And all of these positions are limited to 1 or 2 percent invisible ceiling.

There are no Copts in sensitive areas such as state security, intelligence, leading army command forces, and no Copts were there to run for president. The entire

government system local government system, on the level of the governor in Egypt, is lacking any Copt. Not a single governor in Egypt is a Copt or even a deputy governor.

In terms of freedom of conscience or belief, the passage of the new church construction law was touted by Sisi's government as a huge achievement. In fact, it proved seriously flawed. As Mr. Bahey Eldin Hassan of the Cairo Institute of Human Rights Studies put it, for the first time in Egypt's modern history, it was under Sisi's tenure that Copts were considered, quote, unquote, "a sect," and not equal citizens, since they also ignored the collective demand for A Unified Law of Church of Houses of Worship. That would put on equal footing, churches and mosques on equal footing in terms of permits for building.

The vast majority of Coptic, of Egypt's villages are devoid of any churches. Copts get arrested for, quote, "praying without a permit," if they congregate in a house just to worship together.

Four Coptic Orthodox churches recently were closed down by state security and many governorate, quote, "for lack of permit." Ironically, the minister of Endowment of Islamic Affairs boasted just recently, November 10, that almost 200 newly built mosques were inaugurated in the previous 40 days.

In terms of hate culture. The Government in Egypt is actively imposing Sunni Islamic Sunni Islam and the public's sphere to a suffocating level to gain support. This only leads to alienate and denigrate those who do not belong to the Sunni Islamic majority. Sermons in mosques throughout the country and broadcast on TV are a wash with hate speech against nonMuslims. Religious figures from the Sheikh of al Azhar to the regular sheikh and Egyptian mosques always denigrates Christian and Jews, calling them Kafirs. This is not mere Sharia classification, it has implication. Once you are declared a Kafir, you are an infidel, your blood is fair game.

The recent heinous attack by Islamists targeting Sufi Muslims in Sinai, is just an example that there is no limit to the hate culture.

Blasphemy laws during Sisi's tenure has increased and unfairly targeting Muslims and unfairly targeting Copts and even Muslim reformers.

A culture of impunity, we here notice that most of the attacks are shrugged by the security system. Attackers are let go. Copts who have suffered damages are forced to reconciliation laws or reconciliation sessions where they have to reconcile with their attackers and give up the right to go meet their attackers in court.

Another area is the education where Copts the area of education or culture, we see that in most particularly Arabic language classes or courses where nonMuslims are denigrated. History courses are usually are trivialized the contribution of the Copts to

Egypt's history, social studies classes ignore issues such as equality, citizenship, individuality, and freedom of conscious.

Blasphemy laws have increased in terms of their application, the culture of impunity I am sorry, I went over that.

In conclusion, Copts are facing a multifaceted war of attrition that leaves them few choices, namely, convert to Islam, live barely as a tolerated Muslim enduring as a tolerated dhimmis, enduring humiliation and recurring bouts of persecution, or leave the country.

Mr. Sisi wins accolades among some political, some American politicians by demonizing the Muslim Brothers, while at the same time he is giving free rein to Salafis Islamists whose ideology is no less hateful than the Muslim Brothers.

At this time the United States is engaging Egypt in the fight against Islamist terrorism, stands to exercise its weight on moral value to promote equality. The fight against terrorism is not is much less in the battlefield, but more in changing the culture of hate and impunity.

Thank you.

[The prepared statement of Mr. Gurguis follows]

PREPARED STATEMENT OF GEORGE GURGUIS



Dr. George Gurguis, President, Coptic Solidarity

Testimony Before the Tom Lantos Human Rights Commission

"Egypt: Human Rights Seven Years After the Revolution"

December 6, 2017

I would like to thank Co-Chairs, Representatives Hultgren and McGovern, for hosting this important hearing on the state of human rights in Egypt. I am grateful for the opportunity to share with you our assessment of the current situation of the Copts in Egypt.

In January 2011, Egyptians took to the streets in a popular uprising that brought down Mubarak's corrupt despotic regime that had lasted for almost three decades. Copts who were significantly represented in the uprising, had high hopes as the rest of Egyptians for an open secular civil society where all Egyptian citizens are equal before the law, free to pursue their personal aspirations and beliefs with a free conscience; a new Egypt.

Seven tumultuous years later, such hopes proved more elusive than ever before, if not replaced with despair. Currently, the Copts' situation under the rule of president el-Sisi [is worse than it was under Mubarak](#).¹

From the outset, the brutal response of Egypt's Army on Oct. 9, 2011 injuring 321 and killing 28 peaceful Coptic demonstrators, several of them trampled under the Army's armored vehicles in what is now known as "Maspero massacre," was intended to convey one message; Copts are not supposed to have a political voice in Egypt's future. In that massacre, the Egyptian Army set a model for later terrorist attacks in Europe that use trucks to kill peaceful civilians.

The short-lived one-year rule of the Muslim Brothers in Egypt witnessed a rise in attacks on the Copts, their person, property and churches by fanatic Islamists. More significantly, for the first time in modern history we witnessed mob rioters scaling the walls of Cairo's St. Mark's Cathedral, where the Coptic Patriarch resides, under the eyes of Central Security Forces standing there passively.

The second popular uprising that brought an end to the Muslim brotherhood's rule and the intervention of the Army under el-Sisi revived the country's and the Copt's hopes. Despite the overwhelming popular uprising during which, it is estimated 20 million Egyptian's took to the streets, Copts were once again used as a scapegoat, were singled out for supporting el-Sisi, and were the target of the Muslim Brother's rage. Over one hundred and ten churches and Coptic

¹ <https://www.copticsolidarity.org/2017/09/18/copts-in-egypt-situation-and-policy-recommendations/>

institutions were burned down or destroyed in August 2013 after the break-up of the Rabaa sit-in which was described by the Right Honorable Lord Alton of Liverpool, UK as the “Egypt’s Kristallnacht”.

Since his election as a president, Mr. el-Sisi has pursued increasingly authoritarian measures to consolidate his power, silencing all political dissent, controlling the media, imprisoning human rights activists, and failing to protect religious minorities, much less end the systematic and systemic discrimination to make them equal citizens. Furthermore, Copts have been subjected to more attacks during el-Sisi’s rule than before, [as indicated by Mr. Bahey el-Din Hassan](#)² of Cairo Institute of Human Rights Studies.

At this point, I would like to emphasize that Coptic Solidarity which I represent, is **not** a political opposition to President el-Sisi, but rather a civil society actor that advocates for a system in Egypt where Copts and other minorities attain their equal rights along with all other citizens. I would also like to add that we fully support Egypt’s efforts to combat Islamic terrorism, but equally warn that most of the violence against Copts is home-grown and a direct result of bankrupt policies that have effectively helped to produce the very kind of Islamic extremism that Mr. el-Sisi says he is fighting. In fact, as eloquently put by Dr. Fouad Abdel Moneim Riad, member of Egypt’s National Human Rights Council and a former judge at the International Tribunal for former Yugoslavia, “The real danger to Egypt’s very existence is not terrorism, but criminal [fanaticism against an authentic part of the Egyptian nation, and the state’s lack of seriousness to prevent it](#).”³

Since Sadat initiated the Islamization process of Egypt in the nineteen seventies, Copts have been subjected to this modern wave of persecution. Copts are indigenous Christian Egyptians. They represent 10-12% of Egypt’s population, numbering over 10 million. However, they have no political party or body to represent them and defend their interests and aspirations. This by default has left the church as the only institution left to represent them vis a vis the government, a situation that is certainly advantageous to the government which has historically succeeded in co-opting if not coercing the Church leadership to tow its line. The current church leadership’s denial that Copts are being persecuted or attacked despite all objective measures is a blatant example. Both the Coptic Patriarch, Pope Tawadros II, and Rev. Andrea Zaki, President of the Council of Protestant Churches, delivered letters to members of US Congress that visited Egypt in February 2017, stating fallaciously that Mr. el-Sisi’s “policies supporting the Christian community are unlike any Egyptian leader in history.” They declared that the situation of Christians in Egypt has improved, despite evidence to the contrary, as I will try to demonstrate shortly. The church leaders are already under severe pressure by the government-controlled media⁴ in preparation for **Vice President Mike Pence’s imminent visit to Egypt**, to act “patriotically” and deny that Christians in Egypt are persecuted.

A WAR OF ATTRITION

It is a fact that Copts are under attack in numerous ways—from the institutional and daily

² <https://www.copticsolidarity.org/2017/08/14/the-copts-and-egypt-a-historically-critical-juncture/>

³ <https://www.copticsolidarity.org/2017/10/15/fanaticism-not-terrorism-is-the-real-danger-to-egypt/>

⁴ <http://www.masrawy.com/news/news-videos/details/2017/10/30/1182172/عمرو-أديب-يحذر-من-زيارة-نائب-الرئيس-الأمريكي-للمصر>

systematic discrimination to the intermittent terrorization such as church bombings that cause large casualties. While the spectacular nature of the latter receives media attention, it is the mundane daily discrimination, oppression and harassment, which has the most pernicious effect, and which receives virtually no media attention or condemnation. This entrenched system of discrimination is no less heinous in breaking Copts down into a state of submission, hopelessness, and drives the dramatic rise of Coptic emigration from their homeland.

The increasingly suffocating domination of Islamists on Egypt's life, with active help of State institutions, has virtually closed the social public space to all things non-Islamic. The state applies systemic and systematic discrimination against Copts—one that is rooted in the old Islamic *Sharia* precepts of *dhimmitude*, whereby non-Muslim minorities should submit to a host of debilitating and even humiliating conditions in exchange for a bare measure of tolerance, but never equality.

Now let's look at some key aspects of what Copts are facing today:

1- EQUALITY

Copts are seriously underrepresented in all government and public institutions. The number of Copts accepted to military and police academies, judiciary posts, diplomatic corps, and university academic posts are limited to a one to two percent invisible ceiling. There are strictly no Copts in "sensitive" sectors, such as State Security⁵ and other intelligence organs, leading army command posts or the presidency. The entire local governance system is practically free of Copts; not a single governor or even deputy governor is a Copt. No Copt occupies a public university president or faculty dean post. Copts are relegated to one or two symbolic Cabinet positions—currently only one junior position (minister with no portfolio of 'Egyptian Immigrants').

Coptic Solidarity urges that Egypt expeditiously:

- a) Enact Constitutional Articles that establish the equality of all Egyptian citizens before the law and prohibit discrimination on basis of ethnicity, gender, or religion.*
- b) Integrate Copts in all of Egypt's state institutions; Ensure that at least 10% of all legislative, executive, judicial, military, educational, diplomatic corps, and police positions be filled by Copts, commensurate with their percentage of the general population, by applying "Affirmative Action" measures.*
- c) Remove the category of religious affiliation from Identity cards and all official documents.*
- d) Establish an independent, permanent commission to monitor and combat discrimination, as stipulated in the 2014 Amended Constitution.*

2- FREEDOM OF CONSCIENCE, RELIGION, OR BELIEF:

The passage of the new Church Construction Law in Sep. 2016, which was touted as a positive achievement by el-Sisi's government, proved to be seriously flawed. As Mr. Bahey el-Din Hassan of CIHRS put it in his [speech at Coptic Solidarity's recent conference](#),⁶ "it was under President Sisi's

⁵ Currently referred to as "National Security"

⁶ <https://www.copticsolidarity.org/2017/08/14/the-copts-and-egypt-a-historically-critical-juncture/>

tenure that the Copts, for the first time in Egypt's modern history, became officially and legally recognized as a 'sect' and not equal citizens through the passing of the Church building law and the dropping of Egyptians' long standing collective demand for 'A Unified Law for Houses of Worship.'"

The passage of this law that [does not place churches on equal footing with mosques⁷](#), [maintains the old obstacles⁸](#) that have always prevented the construction of churches. Scores of churches remain closed by the State Security for no other reason but to pander to fundamentalist Islamists.

The vast majority of Egypt's villages have no churches, and lack building permits. Copts get arrested for "praying without permit" if they dare assemble in a private house. Four Coptic Orthodox churches have been recently closed by State Security Forces in Minya, Upper Egypt, "for lack of permit." Ironically, Egypt's minister of Endowment (Islamic Affairs) boasted⁹ on Nov. 10, "almost 200 newly built mosques have been inaugurated in the previous 40 days alone."

Another aspect of religious discrimination is obligatory declaration of one's religious affiliation in all formalities including the national identity card, commercial contracts, notary registers, or even club membership applications. Such measures, prohibited by international conventions, naturally facilitate discriminatory practices.

Coptic Solidarity recommends:

- a) Given that the new church construction law is fraught with ambiguities and red tape, and the continued dearth of churches all over the country, there should be a clear benchmark, such as the approval of construction of certain number of churches annually, if the total number of approved applications for church permits falls short.*

3- HATE CULTURE

The government in Egypt is actively imposing Sunni Islam on the public sphere to a suffocating level to gain public support. This only leads to alienate and denigrate those who do not belong to the Sunni Muslim majority and make them natural targets for hate.

Sermons in mosques across the country or broadcast through TV and Radio are awash with hate speech against non-Muslims. Religious figures, starting from the Grand Sheikh of al-Azhar, proclaim Christians and Jews as "infidels" (*Kuffar*) knowing fully that according to Islamic Sharia, such designation is not a mere theological categorization, but it means a free license to kill, or at least persecute, the infidels.

The recent heinous attack on a mosque in Sinai **targeting Sufi Muslims, who practice a mystical form** of Islam, considered heretical by Sunni Salafis, is only a reminder that such hate culture knows

⁷ <https://www.copticsolidarity.org/2016/07/22/egypt-must-pass-church-building-law-that-breaks-conditions-of-servitude/>

⁸ <https://www.copticsolidarity.org/2016/09/06/reproducing-the-status-quo-new-church-construction-law-consolidates-discriminatory-state-policies-and-confiscates-citizenship-rights-of-future-generations/>

⁹ <http://www.elbalad.news/3024783>

no limit.

Mandatory school curricula, established by the Ministry of Education are permeated with concepts and ideas that instill and promote prejudice against non-Muslims. Religion courses aside, this is particularly the case with Arabic language courses where Islamic texts permeate such courses, including Koranic texts, some of which openly disparage core Christian beliefs. Non-Muslims students are required to recite and uphold them. Lessons promote the idea that leadership positions should be held by Muslims only, and that they should take a firm position against those who “do not submit to the orders of Allah and His Prophet.” History courses ignore the Coptic era, which spans six centuries. Contributions of the Copts to Egypt’s history are trivialized in a few simplistic paragraphs. In social studies, precepts of liberty, equality, citizenship, individuality, personal freedom, freedom of conscience or belief, the constitution, democracy and justice get scant mention.

Coptic Solidarity recommends the Egyptian government:

- a) Enact laws to criminalize Islamist hate speech directed towards non-Muslims.*
- b) Purge schools and education curricula of topics and texts that instill hatred of people of other faiths, entice violence and foster a sense of “Islamic supremacy.”*
- c) Foster voices of civil society and secularism in media outlets.*

4- “BLASPHEMY” LAWS

There is an unprecedented rise in the application of “derision of religion” articles in the penal code, colloquially known as “blasphemy” laws. The stated purpose for these laws was to protect all three “monotheistic” religions from attacks. In reality, they have been used to shield anything Islamic from criticism and unfairly target and convict Copts and Muslim reformers. In the meantime, anti-Christian statements in the media and religious edicts (*fatwas*) that denounce Christians as infidels (*kuffar*) go unpunished.

Coptic Solidarity recommends Egypt:

- a) Rescind “Derision of religions” articles in the penal code.*
- b) Pardon those convicted under these laws, and civil society activists tried under the harsh “demonstration” law.*

5- CULTURE OF IMPUNITY

Contrary to the Egyptian government’s habit of attributing the attacks to “foreign” terrorists, most are perpetrated by homegrown Islamists and the fanatic populace. In most instances, no one is held accountable for these atrocities, fostering a culture of impunity. Security Forces typically arrive well after the attacks have run their course, investigations are superficial, Copts are pressured to accept “reconciliation meetings,” forgoing their right to pursue their attackers in court, and suspected attackers are released within a short time. In this culture of impunity, the Egyptian government has failed in its duty to protect Coptic citizens. The government’s denial of discrimination and attacks on Copts is in itself a form of impunity.

There is strong reason to believe that State Security, which for decades owned the “Coptic dossier,” is often not only complicit in tolerating violence against Copts, but may be an actor in stimulating such violence.¹⁰

Coptic Solidarity recommends that Egypt:

- a) Remove the Coptic “dossier” from the hands of State Security.*
- b) End the collusion of the police and local authorities in violence targeting Copts, to end the impunity that attackers enjoy and that entices them to continue attacking.*
- b) Criminalize forced collective expulsion of Coptic families from their villages where their ancestors have lived for centuries.*
- c) Abolish the arbitrary “Reconciliation Sessions” together with the so-called “House of the Family” institution, which acts as an umbrella to legitimize these sessions.*

CONCLUSION

Copts are facing a multifaceted war of attrition that leaves them with few choices, namely; **convert to Islam; live as barely tolerated dhimmis and endure humiliation and recurring bouts of persecution; or leave the country.** Thus, not only has the Egyptian state failed to protect its Coptic citizens, but also it has continued to treat them as second-class citizens through a policy of systemic discrimination.

Mr. el-Sisi wins accolades among some American politicians by demonizing the Muslim Brotherhood with whom his struggle is entirely political not ideological, while giving the even more radical Salafis free reign in Egypt. Their partnership is such that, the visibly pious Salafis confer Islamic legitimacy on his rule, and in exchange he allows their ideology, which is equally, if not more hateful towards Christians, Jews and secularists than the Brotherhood’s, to infiltrate every level of the Egyptian society, including the media, public education and, of course, mosques.

President el-Sisi’s modus operandi consists of portraying what is otherwise homegrown terrorist attacks on Copts as perpetrated either by foreign terrorists or the Muslim Brotherhood, thereby exonerating his government. The US is now engaging Egypt in the fight against Islamist terrorism and stands to exercise its weight and moral values to promote equality, civil society, and religious freedom for all in Egypt. Egypt’s stability is vital, but Copts should not be the victims – or collateral damage - that pays the ultimate price in the war on terrorism.

The war on terrorism needs to be fought less in military battles and more within Egypt (and Saudi Arabia), against institutions such as al-Azhar, which has continued to promote the totalitarian hate ideology of Salafi and Wahabi Islamists and produce intolerance and terrorism. **President Sisi’s call for reform of Islamic religious discourse has been just that, a call. It’s merely a shiny veneer to polish his image abroad, and was never translated into action.** Now is the time.

I thank you for the opportunity to testify today, and ask that my full testimony be submitted for the Congressional record. I look forward to answering any questions you have.

¹⁰ <https://www.copticsolidarity.org/2017/11/22/%D8%AF-%D8%B9%D9%85%D8%A7%D8%AF-%D8%AC%D8%A7%D8%AF/>

Mr. HULTGREN: Thank you, Dr. Gurguis. Mr. Stork.

**STATEMENT OF JOE STORK, FORMER DEPUTY DIRECTOR OF THE
MIDDLE EAST AND NORTH AFRICA DIVISION, HUMAN RIGHTS WATCH**

Mr. STORK: Thank you, Mr. Chairman. I have covered Egypt for the better part of the last 22 years with Human Rights Watch. In January 2011, I was in Cairo when Egypt erupted in a popular uprising engendered in large by part by the abusive behavior of President Mubarak's government and security forces, including rampant torture, wretched prison conditions, politicized courts, and arbitrary detention on a large scale. Today, Egypt has seen a revival of these abusive practices, and the impunity that protects the perpetrators to an extent that exceeds that of previous regimes.

My remarks are going to focus on arrests, torture, disappearances, and prison conditions.

Arrests. Our best guess, our best conservative estimate is something like at least 67,000 people have been arrested since the military coup in July 2013, including secular and leftist activists, as well as alleged supporters of the Muslim Brotherhood.

I want to draw attention to the authority's disregard for the 2 year legal limit on pretrial detention. By routinely renewing temporary detention orders, making pretrial detention essentially a tool of political punishment without trial. Exhibit A, the 3 year detention of Egyptian/American child rights activist, Aya Hegazi and her husband and others. Though ultimately acquitted, their prolonged incarceration showed the perverse consequences of pretrial detention practices, along with dilatory court proceedings typical in cases involving social and political activists.

Another case to highlight, Ismail al Iskandrani, one of the very few Egyptian journalists reporting on Sinai developments. He was arrested in November 29, 2015. An officer told his family then he would be released in a few hours; he remains in jail today, more than 2 years later, on these renewable 45 day detention orders, on charges of, quote "disseminating false news" for his reporting on Sinai developments.

As you mentioned, Mr. Chairman, on June 30 authorities detained Hossam Khalaf, and his wife, Ola al Qaradawi. Ola is the daughter of the renowned Islamic cleric, Yusuf al Qaradawi, a prominent critic, but who has lived in Qatar for many years. Their families believe their detention is rooted in the Saudi Arabia led campaign against the Qatari Government. They are in solitary confinement in separate prisons, denied visits by family and lawyers, in violation of Egyptian law.

Political opponents, when they finish a sentence, it doesn't mean you are free. Consider the cases of Ahmed Maher and Mohamed Adel, founders of the April 6 movement. They finished their 3 year illegal assembly sentences in January and are now subject to a highly abusive punitive conditions of probation. Judges set the period of probation, 3 years, but the police determine the specifics without any oversight. The police require Maher and Adel to spend 12 hours every night, from 6 p.m. to 6 a.m., in their respective police stations, leaving Maher unable to resume his profession as a civil engineer or care for his ill mother, and Adel unable to resume his Cairo University studies.

Violation of probation has resulted in renewed imprisonment for several activists. Alaa Abdel Fattah, a prominent secular activist is serving 5 years for organizing a peaceful demonstration, in violation of the law that Amy Hawthorne outlined. Abdel Fattah and 23 others, including Michele Dunne's Carnegie colleague, Amr Hamzawy, face up to 5 years in a separate case for allegedly defaming the judiciary after they criticized the courts for lack of independence correctly criticized the courts.

Human rights defenders are not immune to these arrest sweeps. In May, police arrested Hanan Badr al Din, cofounder of the Association of Families of the Disappeared, when she met with a formally disappeared person in an effort to get information about her husband who had been disappeared in July 2013. Authorities arrested Ibrahim Metwally, a cofounder of the Association in September as he was about to board flight to Geneva to present the UN Human Rights Council with a file on enforced disappearances in Egypt, including his son, Amr, who was disappeared 4 years ago.

Recent headlines have highlighted the activities of the General Directorate for Protecting Public Morality, the so called morality police, following the October roundup of more than 75 people for alleged debauchery, after some unfurled a rainbow banner at a Cairo concert. But this is just the latest episode in an escalating Ministry of Interior campaign against perceived homosexual and transgender persons.

Prior to this incident, the annual number of arrests in debauchery cases jumped since October 2013 to five times over the previous decade. The campaign features sophisticated entrapment tactics and following arrests, forced submission to anal examinations, an archaic procedure with no evidentiary value, and which the World Medical Association has condemned as a form of torture.

On torture, it saddens me to say that the Interior Ministry's National Security Agency has been at the forefront of reviving the use of torture during interrogations. Another element to this, that I want to underscore, is the role of prosecutors who typically ignore complaints, refuse to investigate allegations, and often threaten detainees with additional abuse.

Officials at the highest level, including President al Sisi, have effectively green lighted the crime of torture by failing, despite widespread evidence, to authorize

independent investigations, or otherwise hold perpetrators accountable, making them complicit in crimes that are widespread and systematic, in other words, crimes against humanity.

We published, in September, a report showing how National Security Agency officers tortured suspects to coerce confessions, implicate others, or simply to inflict punishment, starting with warrantless arrests, torture during periods of enforced disappearance. In 13 of the 20 cases we documented, the individuals were tortured in National Security Offices, and six of them in the NSA headquarters inside the Interior Ministry.

I provide a lot more detail on this in my written testimony, with your permission, I ask to be inserted into the record.

Mr. HULTGREN: Okay.

Mr. STORK: The behavior of prosecutors paints a very disturbing picture of complicity, in perpetrating, and covering up torture at every level of Egyptian law enforcement. President al Sisi's response is to silence Egyptians trying to erase the scourge of torture. The Nadeem Center for Rehabilitation of Victims of Torture received a government closure order in early 2016. This year, in early February, authorities physically sealed the group's premises, the first physical closure of an independent human rights organization.

Reflecting the same policy, authorities summoned Negad al Borai, a prominent defense attorney and rights advocate, several times for interrogation on charges of, quote, "broadcasting false information," and quote, "disturbing public security," after his lawful firm sent to President al Sisi, a draft bill that would criminalize torture.

Two judges face disciplinary hearings before the Supreme Judicial Council for their collaboration with al Borai in this memo. The matter of enforced disappearances is closely connected with extrajudicial executions which have shown a sharp rise over the last couple of years. National security officers disappeared detainees for days or months, during which time they torture suspects to coerce them, to sign prepared confessions. In my written testimony, I describe two separate incidents, in November 2016 and January 2017, in which security officers or armed men operating under their supervision, murdered suspects in their custody, and incidents staged for video and shoot outs with, quote, unquote, "terrorists," in which the murdered men turned out to have been disappeared into custody months earlier.

I also describe an incident from July 2015, when the National Security Agency staged a raid in Cairo to cover up extrajudicial executions of nine mid level Muslim Brotherhood leaders.

Lastly, on prison conditions. The quasi official National Council for Human Rights has reported on severe prison overcrowding as well as the harsh conditions facing the country's expanding prison population.

Human Rights Watch documented particularly bad conditions at Cairo Scorpion prison, a maximum security facility inside the Tora prison complex. Its population of a thousand inmates, includes many top Muslim Brotherhood leaders. Although, under the nominal supervision of the Interior Ministry's Prison Authority Bureau, Scorpion, in practice, is under the control of the National Security Agency, renowned for its record of torture and abuse.

A former Scorpion warden said in a television interview in 2012, quote, "it was designed so that those who go in don't come out unless they are dead," unquote.

Many Scorpion prisoners are political prisoners rather than dangerous crimes. In Scorpion, we found that staff beat inmates, isolate them in the cramped disciplined cells, and interfere with access to healthcare, contributing to at least six deaths. Treatment sometimes amounted to torture, and in any case, clearly violate international norms for the treatment of prisoners.

Prisoners are denied basic hygiene necessities such as soap and toothbrushes, as well as books and newspapers. Inmates have to sleep on concrete platforms without mattresses, and only blankets or cardboard for cushioning. Scorpion is not the only problem prison. Families of prisoners in Abadiyya Prison are confined in cells 1.5 by 2 meters, without ventilation, and a bucket as a toilet, and allowed out for 15 minutes every 24 hours to empty the bucket.

In December 2016, when prisoners at Borg al Arab prison in Alexandria protested poor conditions, security forces attacked them with batons, tear gas, and pepper spray, injuring hundreds with burns and fractures, and then prison authorities then ransacked the cells throwing away belongings, including clothes, medicines, and hygiene products.

Mr. Chairman, thank you again for convening this hearing. I noticed that the Egyptian Foreign Ministry put out statements earlier today calling attention to this hearing and talking about how it was biased and unfair and how Egypt is not getting a fair shake. I think what we have been telling you today has to be part of the record has to be part of the shake that Egypt gets. Thank you.

[The prepared statement of Mr. Stork follows]

PREPARED STATEMENT OF JOE STORK

Prepared Remarks for the Tom Lantos Human Rights Commission Hearing

Egypt: Human Rights Seven Years After the Revolution

Wednesday, December 6, 2017

Joe Stork, Former Deputy Director, Middle East & North Africa, Human Rights Watch

Chairperson McGovern, Chairperson Hultgren:

Thank you for convening this hearing, and for inviting us to speak.

I covered Egypt for Human Rights Watch for most of the 22 years I was with Human Rights Watch. I happened to be in Cairo in late January 2011, when Egypt erupted in a popular uprising engendered in large part by the abusive behavior of President Mubarak's government and security forces, including rampant torture, extrajudicial executions, wretched prison conditions, politicized courts, and arbitrary detention on a large scale. It deeply saddens me that today, under President al-Sisi, Egypt has seen the revival of those same abusive practices, and the impunity that protects the perpetrators, to an extent that exceeds that of former regimes.

My remarks will focus on the machinery of repression and the institutionalization of injustice – how the al-Sisi government has misused arrest powers, torture, detention, and extrajudicial killings to suppress and punish all manner of political protest.

Arrests

Egyptian authorities have not provided information regarding numbers of or reasons for arrests in the period since the July 2013 coup. Human Rights Watch's best estimate, based on government statements and the compilations of reliable independent Egyptian rights organizations, is that between July 2013 and May 2014, the first ten months of military rule, authorities arrested or charged at least 41,000 people, including an estimated 29,000 members or supporters of the Muslim Brotherhood; lawyers and human rights researchers say as many as 26,000 more persons have been

arrested since the beginning of 2015. Those arrested include secular and leftist activists as well as alleged supporters of the Muslim Brotherhood.

The quasi-official National Council for Human Rights annual report of May 2015 concluded that arrests after July 2013 had pushed Egyptian prisons to 160 percent of capacity and police stations to 300 percent of capacity. The number of prisons prior to 2013 was 43; since then government decrees have established 19 new prisons, although some of these appear to be detention facilities attached to police stations – jails rather than prisons – and others are extensions of existing prisons, such as Wadi al-Natroun and Tora. It is not clear how many of these new facilities have been constructed or become operational.

The growing number of persons in custody for political offenses has been compounded by authorities' disregard for the two-year legal limit on **pre-trial detention** by routinely renewing temporary detention orders, leading the respected Egyptian Initiative for Personal Rights (EIPR) to conclude in May 2016 that "pretrial detention has become a tool of political punishment without trial or the right of defense." The EIPR documented 1,464 cases of persons being held pending trial beyond the legal limit, and said many cases involved charges of illegal assembly and membership in an illegal organization.

You are of course familiar with the three-year detention of the Egyptian-American child rights activist **Aya Hegazi** and her Egyptian husband, along with several others. While they were ultimately acquitted of the transparently bogus charges against them, their prolonged incarceration showed the perverse consequences of pre-trial detention practices along with dilatory court proceedings typical in cases involving social and political activists.

When authorities detained **Ismail al-Iskandrani**, on November 29, 2015 one officer told his family that authorities would release him in a few hours. Iskandrani is one of the very few journalists providing independent reporting on Sinai. He remains in jail on renewable 45-day detention orders, on charges of belonging to the Muslim Brotherhood and disseminating "false

news” for his reporting on security force abuses in Sinai. Last week al-Iskandrani completed two full years in pre-trial detention.

Alaa Abdel Fattah, a prominent secular opposition activist, received a 15-year prison term, reduced on appeal to five years in February 2015, for organizing a demonstration two years earlier, in violation of the 2013 decree prohibiting peaceful assembly of more than 10 people without prior Interior Ministry approval. Abdel Fattah and 23 others, including Michele Dunne’s Carnegie colleague and former member of parliament **Amr Hamzawy**, and former president **Mohamed Morsi**, face up to five years in prison in a separate case for allegedly defaming the judiciary after they criticized the courts for lack of independence.

Abdel Fattah, on his release, will face a further five years’ probation. The probation protocol will likely be like that faced by **Ahmed Maher** and **Mohamed Adel**, founders of the April 6 movement. Maher and Adel left prison in early January after serving three-year sentences for violating the 2013 assembly law, only to be subjected to a highly **abusive and punitive conditions of probation**. According to an Amnesty International examination of probation practices, judges set the period of probation – in their cases three years – but police determine the specific requirements without oversight of any kind. Instead of simply requiring them to report to a police station regularly, police required Maher and Adel to spend up to 12 hours every night, from 6 pm to 6 am, in their respective police stations, leaving Maher unable to resume his profession as a civil engineer or to care for his ill mother, and Adel unable to resume his Cairo University studies or proceed with wedding plans. Violation of probation conditions can result in renewed imprisonment, and has for several activists – or we should say former activists, since these onerous conditions clearly intimidate the affected individuals from resuming their previous activism or expressing their political opinions.

On June 30, 2017 authorities detained **Hossam Khalaf** and his wife **Ola al-Qaradawi**. Ola is the daughter of the Egyptian Islamist cleric Yusuf al-Qaradawi, a prominent critic of the government who has long resided in

Qatar. Their families believe their prolonged solitary detention, on allegations of financing terrorist operations and affiliation with an illegal organization, is rooted in the Saudi Arabia-led campaign against the Qatari government. They are in separate prisons and denied visits by family and lawyers, in violation of Egyptian law.

Some arrests are pre-emptive. On the night of April 21, 2016, security forces arrested around 100 persons, including lawyers and journalists as well as political activists, ahead of protests announced for April 25. In January 2016 police searched apartments and questioned residents in more than 5,000 homes ahead of the January 25 anniversary of the 2011 uprising. The raids, according to some residents, were not targeted but intended to round up anyone fitting the youth demographics of the 2011 protests. As one official at the Interior Ministry's National Security branch told a Reuters reporter at the time, "We have taken several measures to ensure activists don't have breathing space.... Some have been arrested in order to scare the rest."

Human rights defenders have not been exempt. Two weeks ago, on November 18, an Alexandria misdemeanor court ordered the detention of lawyer **Mahienour al-Masry** and four others for six weeks in connection with a June protest, charging them with "participating in an unauthorized gathering" and "insulting the president." They face up to 5 years in prison and five years of probation if convicted. Al-Masry had served jail time earlier for participating in peaceful protests against government policies. Other prominent human rights advocates, including **Malek Adly** of the Egyptian Center for Economic and Social Rights and **Mina Thabet**, with the Egyptian Commission for Rights and Freedoms, have been subjected to arbitrary detention. In May police arrested **Hanan Badr al-Din**, a co-founder of the Association of Families of the Disappeared, when she met with a formerly disappeared person in an effort to get information about her own husband, who had been disappeared since July 2013. Authorities arrested Ibrahim Metwally, a lawyer and co-founder of the same association, on September 10 as he was about to board a flight to Geneva to present the UN Human Rights Council with a file on enforced disappearances in Egypt,

including his son Amr, who was “disappeared” four years ago. At this writing both Badr al-Din and Metwally remain in detention.

Recent headlines highlighted the activities of the **General Directorate for Protecting Public Morality** (the “morality police”) following the October roundup of more than 75 people for alleged “debauchery” after some had unfurled a “rainbow” banner, a universal symbol of diversity, at a Cairo concert featuring an openly gay Lebanese singer. Underlying this headline event is an escalating Ministry of Interior campaign against perceived **homosexual and transgender persons** – since October 2013 the annual number of arrests for “debauchery” jumped to five times what it had been over the previous decade, from 14 to 66. The ministry campaign features sophisticated entrapment tactics and, following arrest, forced submission to anal “examinations,” an archaic procedure with no evidentiary value and which the World Medical Association has condemned as form of torture or other cruel, inhuman and degrading treatment or punishment. Last week a Cairo court convicted 14 persons for “inciting debauchery” and “abnormal sexual relations,” Reflecting the state media-induced hysteria over “sexual deviants,” an Egyptian legislator recently introduced a draft “Law on Criminalizing Homosexual Acts” which would clearly violate the rights to free expression, freedom of association, and freedom from discrimination, in addition to the right to privacy.

Children have not been spared in arrest sweeps. A UNICEF representative in January 2015 told a reporter that it had recorded more than 700 cases of children detained in connection with political events, while the Nadeem Center reported an additional 160 children detained at a camp of the paramilitary Central Security Forces.

In May 2016 authorities arrested six young men for making a **satiric music video** mocking President al-Sisi. In February 2016 the EIPR said that it had documented numerous cases since the beginning of 2015 of arrests and prosecutions for “**contempt of religion**” involving Sunnis, Shia, Christians and atheists. In one case a court sentenced three Coptic Christian students to

five years in prison for creating a video mocking practices of the Islamic State armed group – the charges were “defamation and insult” of Islam.

Egypt’s economic crisis – devaluation of the Egyptian Pound by half and a 35 percent inflation rate followed steps taken to secure a \$12 billion International Monetary Fund loan – have seen a rise in worker mobilization. At least 180 workers who advocate or participate in **workplace strikes and sit-ins**, mostly over bonuses and delayed wages, have been arrested over the past two years, in some cases referred to military courts for trial.

Abusive Counterterrorism Measures

The definitions of terrorism in the various decrees and legislation issued since the military coup, such as the law enacted in August 2015, exceed the already over-broad language in Egypt’s penal code, defining a “terrorist entity” as any group that practices or advocates infringements on public order, or “national unity,” or harms the environment, antiquities, or public and private property. These provisions allow for the arbitrary criminalization of protected rights to free expression and peaceful assembly.

In January a Cairo criminal court, responding to the prosecutor general’s request, **summarily designated** some 1,538 Egyptians as “terrorists,” immediately imposing a travel ban, asset freeze, and loss of political rights. Prosecutors alleged they had financially assisted the Muslim Brotherhood and/or helped plan attacks on security forces. The individuals learned of their designation after the fact through news reports – they had not been informed of any judicial hearings or opportunity to contest the decision.

In April, following the horrific Islamic State attacks on two churches, President al-Sisi declared a **state of emergency** covering the entire country, not only Sinai, and extended it twice since then. Under the 1958 Emergency Law, security forces have nearly unchecked powers to arrest and detain as well as impose media restrictions – powers that authorities were already exercising with abandon. As Nathan Brown, a Carnegie Endowment senior fellow, wrote, the intent was to communicate to Egyptian society, and especially the state apparatus, “to get on board with the new regime. Egypt’s

courts, in particular, have been given a stern implicit message: judges shouldn't let strict legalism obstruct their more important role in the fight against terrorism." It specifically allows the government to refer civilians to **State Security Emergency Courts**, which facilitates the expedited prosecutions that al-Sisi has called for. The president can appoint specific judges, including military officers, and there is no appeals process or options for Cassation Court intervention – the Cassation Court has voided many verdicts of the terrorism circuit courts, especially death sentences following mass trials. Scores of cases have already been referred to the State Security Emergency Courts since they were reinstated in October.

Torture

Under President al-Sisi, Egyptian security forces, and particularly the Interior Ministry's National Security Agency, have revived the **routine use of torture during interrogations**. Exacerbating the torture crisis, prosecutors typically ignore complaints of detainees, refusing to order medical examinations or investigate the torture allegations, and sometimes threaten the detainees with additional abuse. Officials at the highest level, including President al-Sisi, have effectively green-lighted the crime by failing, despite widespread evidence, to authorize independent investigations or otherwise hold perpetrators accountable, making them complicit in crimes that are widespread and systematic – in other words, a crime against humanity.

The Egyptian Coordination for Rights and Freedoms (ECRF), identified 44 individuals who were tortured to death while in police or Ministry of Interior custody between August 2013 and December 2016. Deaths in custody have continued to occur in 2017, but we have not been able to determine the extent to which these were the result of torture, medical neglect, or other reasons. Human Rights Watch in September published a report, based on face-to-face interviews with 19 former detainees and the family of a 20th between 2014 and 2016, showing how National Security Agency officers use torture to coerce confessions, implicate others, or inflict punishment. They described a pattern of abuse aimed at preparing fabricated cases

against suspected dissidents, starting with their **warrantless arrest**, subjecting them to **torture during periods of enforced disappearance**. They then present them to prosecutors, who typically pressured suspects to confirm their confessions, which had been prepared by security officials, rather than investigate their allegations of torture.

Between July 2013 and December 2016, prosecutors officially investigated 40 torture allegations, a fraction of the hundreds made. In response to our report, in September a government statement claimed that three officers and four low-ranking security personnel had received sentences following final appeals in torture cases. We found only six cases in which prosecutors won guilty verdicts against Interior Ministry officials; all these verdicts remain on appeal. Only one involved the National Security Agency. In several cases, prosecutors affirmed fraudulent arrest dates provided by NSA officers falsely claiming that arrests occurred a day before presentation to prosecutors, to simulate compliance with the requirement under Egyptian law that suspects be presented to prosecutors within 24 hours of arrest. The **complicity of prosecutors** – a pattern we had earlier documented in the Mubarak years – paints a disturbing picture of complicity in perpetrating and covering up torture at every level of Egyptian law enforcement.

Of the 20 cases we documented, 13 were tortured in National Security offices (six of them in **NSA headquarters** inside the Interior Ministry), five in police stations, and two in both. I should stress that these are only some of many torture cases we have documented since al-Sisi took power. The victims told us that a typical torture session began with an officer shocking them with an electric stun gun while they were stripped, blindfolded and handcuffed, while others beat them with sticks and metal bars. In the absence of satisfactory answers, the shocks moved to more sensitive parts of the body, almost always including genitals, and increased in duration. These sessions were followed by forcing the victims into severe stress positions, such as handcuffing them behind their backs and then suspending them from the edge of a door for periods ranging from minutes to hours, causing excruciating pain and often shoulder dislocation.

These techniques are much the same as we had documented earlier, beginning in 1992. President al-Sisi and other officials acknowledge that torture occurs but assert that these are isolated incidents and that the Public Prosecutor investigates all cases brought to its attention. Our report, along with other work by Human Rights Watch and others, makes clear that such statements are simply not true: torture is widespread and implicitly if not explicitly endorsed by the Office of the Public Prosecutor.

The UN Committee against Torture, the body of independent experts which evaluates state compliance with the UN Convention against Torture in June 2017, following a special inquiry, concluded that the facts it had gathered “lead to the inescapable conclusion that torture is a systematic practice in Egypt.”

The impunity afforded to those responsible for torture is reflected in the efforts under President al-Sisi to silence Egyptians attempting to end the scourge of torture. The **Nadeem Center for the Rehabilitation of Victims of Torture and Violence**, founded in 1993, received a government order in early 2016 to shut its doors for violating the terms of its license, apparently referring to the center’s regular reports on cases of alleged torture in custody. A year later, in early February, authorities backed by a large force of police, physically sealed the group’s premises – the first physical closure of an independent human rights organization.

Negad al-Borai, a prominent defense attorney and human rights advocate, has been called for interrogation on several occasions on charges “broadcasting false information” and “disturbing public security” after his firm sent to President al-Sisi and other officials a draft bill criminalizing torture in police stations and detention facilities. Two judges, **Hisham Raouf** and **Assem Abd al-Gabbar** faced disciplinary hearings before the Supreme Judicial Council for their collaboration with al-Borai.

Arbitrary Justice and Military Trials of Civilians

Many trials violated Egyptian law as well as international standards. In March and April 2014, a criminal court judge in the governorate of Minya

handed down the death penalty to more than 1,200 people allegedly involved in two attacks on police that resulted in the death of one officer. The judge did not allow the defendants the right to mount a meaningful defense or ensure that all had access to counsel. The first trial, which resulted in 529 death sentences, lasted less than an hour, and only 74 defendants were present. The court also barred some defense lawyers from attending. The second trial yielded 683 death sentences.

In October 2014, President al-Sisi issued a decree greatly **expanding the jurisdiction of military courts**, including the retroactive referral of hundreds of cases, by decreeing military jurisdiction over all public property, including roads. As of September 2017, cases of at least 15,000 civilians were sent to military courts, including more than 150 children. Convictions often were based solely on the word of national security officers.

One military court is in Al-Galaa Military Camp, the headquarters of the Second Field Army, outside Ismailia. The camp is also the site of several prisons, including Azouly, where, according to a June 2017 report of the Egyptian Commission for Rights and Freedoms, more than a thousand civilians, many of them “disappeared,” have been subjected to torture and ill-treatment in the aftermath of the July 2013 military takeover.

In February 2016, a mass military court trial resulted in sentencing all 116 defendants to life imprisonment, including a 3-year-old boy whose name prosecutors had failed to remove from the list of defendants despite being aware of the error. The case stemmed from a January 2014 protest in Fayoum; after dispersing the protest with live ammunition, killing three people, Interior Ministry officials recommended charges against a seemingly random number of residents, including a deceased man and another who was out of the country at the time.

Enforced Disappearances and Extrajudicial Executions

In August 2015, the Egyptian Commission for Rights and Freedoms documented 912 forced disappearances since August 2013, 52 of whom

remained disappeared when the report appeared. In December 2016, the NCHR, responding to increased reports of enforced disappearances, called on the Ministry of Interior to comply with the criminal procedure code in carrying out arrests and detentions.

National Security Agency officers frequently “disappear” detainees for days or weeks during which time the suspects are tortured to coerce them to sign confessions that are often fabricated by the officers before they are presented to a public prosecutor. Authorities, with the connivance of prosecutors, fraudulently register the date of arrest as the day prior to appearing before the prosecutor, so as to feign compliance with the legal obligation to present a suspect to a prosecutor within 24 hours of arrest.

Human Rights Watch documented two separate incidents in which security officers or armed men operating under their supervision murdered suspects in their custody in incidents staged as shootouts with “terrorists,” in which the murdered men turned out to have been “disappeared” sometime earlier.

One of the incidents occurred in North Sinai in January 2017, when as many as 10 men died. On January 13, the Interior Ministry issued a statement claiming that its counterterrorism forces had tracked suspected Islamic State fighters to an abandoned house in al-Arish earlier that day and were preparing to raid the house when they came under fire and security forces returned fire, killing all 10 inside. The statement identified six of the men by name, alleging they had been involved in killings and attacks on security forces. The ministry subsequently posted a heavily-edited video clip on YouTube showing at least eight commandos approaching a building, two of them firing at a man on the ground outside, and six dead men in civilian dress lying in different interior rooms surrounded by weapons, pools of blood, and bullet-pocked walls. Relatives of three of the men and the lawyer of a fourth told Human Rights Watch that Interior Ministry security forces had arrested the men without warrants the previous October and November, months before the alleged raid, and showed Human Rights Watch formal inquiries they had made to the Interior Ministry at the time. Two military experts we consulted expressed doubts about the authenticity of the video,

particularly the behavior of the purported commandos, who did not indicate that they were under any threat. Separately a forensic expert told us the positioning of the bodies and blood in the house suggested that at least one body had been moved prior to the taping. Relatives and a lawyer who viewed two of the bodies in the morgue said they appeared to have been shot once in the head. Human Rights Watch's inquiries to the Interior Ministry and Prosecutor General received no response, and to our knowledge there has been no investigation of the incident.

A second incident occurred in the North Sinai village al-Tuma, apparently in November 2016. On April 20 a video aired on a TV channel aligned with the Muslim Brotherhood which appeared to show a military intelligence officer directing the brief interrogation and then execution of at least two and as many as eight men by members of a local militia known to work closely with the military. A voice offscreen say, "Not just the head. Not just the head. Enough." We reviewed other videos and photos that appeared to confirm the incident. A separate video posted on a pro-government Facebook page on November 20, 2016 appeared to show the same eight bodies lined up next to the same building that was in the execution video. Six soldiers stand next to the bodies, and one says, "This is the revenge for those who died." Two of the victims, brothers from the Rumailat clan, had reportedly been arrested and "disappeared" on July 18, 2016, months prior to the purported shootout in November.

An earlier incident in Cairo on July 1, 2015 also involved an apparently fake raid to cover up extrajudicial executions of nine mid-level Muslim Brotherhood leaders. The Interior Ministry first said in a Facebook posting it had arrested the nine in a raid. Three hours later a pro-government newspaper website, citing an unnamed "security source," said security forces had "succeeded in eliminating nine Brotherhood leaders." At 8 pm the Interior Ministry issued another statement claiming security forces had come under fire from inside the apartment and had killed all nine in the shootout. Relatives told us that the men had been arrested and fingerprinted prior to their deaths and that their bodies bore signs of torture.

Prison Conditions

The NCHR has reported on severe **prison overcrowding**, as well as harsh conditions for the country's expanding prison population. One commissioner told me that NCHR interventions had helped to get improved prison regulations and better enforcement but only "at the margins."

Human Rights Watch in 2016 documented particularly bad conditions in Cairo's **Scorpion Prison**, a maximum-security facility of some 320 cells in four H-blocks located inside the larger Tora Prison complex. Its estimated 1,000 inmates include many top Muslim Brotherhood leaders, accused Islamic State members, and critics of al-Sisi's government, including journalists. Although under the nominal authority of the Interior Ministry's Prisons Authority Bureau, Scorpion in practice is under the control of the National Security Agency, renowned for its record of torture and abuse. A former Scorpion warden, Maj. Gen. Ibrahim Abd al-Ghaffar, said in a television interview in 2012: "It was designed so that those who go in don't come out unless dead." Many Scorpion inmates are **political prisoners** rather than dangerous criminals.

From our interviews with relatives, lawyers, a former prisoner, and review of medical files and photos, we concluded that staff beat inmates, sometimes severely, isolated them in cramped "discipline" cells, cut off access to families and lawyers, and interfered with access to health care, contributing to the deaths of at least six persons between May and October 2015. The treatment we documented amounted to torture in some cases and clearly violated basic international norms for the treatment of prisoners. Relatives of inmates told us that conditions deteriorated drastically in May 2015, with al-Sisi's appointment of **Magdi Abd al-Ghaffar** as minister of interior. It was after his appointment that the prison prevented families from delivering food and medicines for months at a time, amounting to what the relatives called a "starvation policy" that left inmates ill and gaunt. Prisoners were denied basic hygiene necessities, including soap, toothbrushes and eating utensils, and books and newspapers. Inmates sleep on concrete platforms without mattresses and only some blankets and cardboard for cushioning. In one of

the cases of in which the inmate died, prosecutors withheld a burial permission form until his relative agreed not to file a complaint about the lack of access to health care.

On October 24, the State Commissioners' Committee, a body of the State Council, formally agreed to prepare a non-binding legal opinion on the "suitability" of the Scorpion facility, following a complaint by families and lawyers of Scorpion inmates asking a court to shut the facility down.

Scorpion is not the only prison where inhumane conditions prevail. The EIPR earlier this month reported on the complaints families of three defendants in **Al-Abadiyya Prison** confined in cells 1.5 by 2 meters, without ventilation and a bucket as a toilet, and allowed out for only 15 minutes every 24 hours to empty the bucket. The complaint says the prison administration has refused them access to prison doctors despite illnesses, rashes, and eye infections.

In December 2016, when prisoners at **Borg al-Arab** prison in Alexandria protested poor conditions, security forces attacked them with batons, tear gas, and pepper spray, injuring hundreds with burns and fractures, injuring hundreds, relatives and lawyers said. Prison authorities then ransacked the cells, throwing away belongings including clothes, medicines, and hygiene products.

The **treatment of former President Morsi**, who is being held in Molhaq Prison, in the Tora prison complex, provides another window on the appalling treatment of political detainees in Egypt. Morsi has been allowed to receive only three visits from his family and lawyer – the third was in June, after nearly four years. He has complained that the authorities have denied him access to needed treatment and medications for diabetes and other ailments.

In November, Nubian human rights defender **Gamal Surour** died in custody, evidently from medical neglect, after his arrest in connection with peaceful protests demanding the right for Nubians to return to lands from which they had been forcibly displaced in the 1960s.

Mr. HULTGREN: Thank you, Mr. Stork. Dr. Dunne.

**STATEMENT OF MICHELE DUNNE, SENIOR FELLOW AND DIRECTOR OF
THE MIDDLE EAST PROGRAM, CARNEGIE ENDOWMENT FOR
INTERNATIONAL PEACE**

Ms. DUNNE: Thank you, Mr. Chairman. You have heard from the other witnesses about the shocking and unprecedented human rights abuses in Egypt since the 2013 military coup. I will offer some recommendations about how the United States, a long time ally and supporter of Egypt can engage with Egypt on these issues.

So the United States needs to be concerned about human rights abuses in Egypt for several reasons. First of all, of course, there is the longstanding American commitment to the principle of defending and advocating internationally recognized human rights norms, which this Commission in particular upholds.

In addition to that, human rights abuses in Egypt endanger U.S. interests, as well as those of our close allies, in Israel, in Europe, and so forth, who can be affected directly by instability in that country. You have heard from the other witnesses about how human rights abuses affect, in particular, young people in Egypt in the thousands, in the tens of thousands, and this creates a great danger of radicalization. We see that the terrorist groups in Egypt, no matter how many are arrested or killed by security forces, they replenish their ranks very, very easily, unfortunately, and I think that is because of the great alienation that young people in Egypt feel, in large measure, because of human rights abuses. It also leads to a lot of people in Egypt being unwilling to cooperate with the government on intelligence, and so forth, against terrorism, because they are alienated by human rights abuses and other things in Egypt as well.

Beyond even principles and interests, the United States has a special responsibility to address human rights abuses in Egypt because of its longtime relationship with the Egyptian Government, and with the Egyptian military, which has received more than \$47 billion in security assistance from American taxpayers since the mid 1970s, and that included in 2017, Mr. Chairman, about 20 percent of all foreign military financing funds went to Egypt.

Now, how to undo the Gordian knot of military rule and human rights abuses is a problem for Egyptians, not Americans. But as Americans, we must look ourselves in the mirror, ask whether we are playing as constructive a role as possible, and adjust our actions accordingly. So here are my specific recommendations.

First of all, the United States should ensure that U.S. security assistance to Egypt is not itself used to carry out human rights abuses. Within the past year alone, evidence has emerged that American provided equipment has been used to carry out summary executions in the Sinai, similar to the ones that Mr. Stork mentioned in the Cairo area, and that American trained security units have performed degrading exams on suspected

members of the LGBT community. The United States Government should implement the recommendations contained in the April 2016 General Accountability Office report calling for strengthening and use monitoring and human rights vetting in Egypt, which the Government of Egypt has often blocked.

Secondly, the United States should act more assertively on behalf of American citizens and organizations that have been targeted inside Egypt. Whether we are speaking of American citizens who have been wrongfully imprisoned or the employees of American organizations and their Egyptian partners who have been unjustly prosecuted. It is imperative that Congress and the administration press for full resolutions of these issues through releases, acquittals, or pardons. No one in Egypt will take U.S. concern for rights and freedom seriously if the United States doesn't even stand up for its own citizens and organizations.

Third, the United States should conduct the bilateral security assistance with Egypt so as to signal that security and human rights are not separate realms, but are deeply connected. As we have discussed, human rights abuses are hurting the security environment and fueling terrorism in Egypt. That should be part of the defense relationship. And we should also maintain or expand the percentage of security assistance that can be withheld from Egypt based on human rights conditions.

Congress should consider removing the waiver for national security interests, or at least add clear benchmarks as to when that can be exercised. Congressionally imposed conditionality has actually provided unprecedented leverage, which the Trump administration is now using to show concern about a number of issues, including human rights.

Fourth, the United States should build an enduring relationship with the citizens of Egypt by showing that the United States is aware of their concerns and is using all venues to advocate respect for their rights. Sometimes U.S. officials, and even some Members of Congress, are reluctant to publicly mention concerns about human rights violations, but it is important that they do so, and it is effective.

The current administration should not repeat the mistakes during the term of deposed President Mohamed Morsi, when the failure of U.S. officials to criticize his undemocratic actions fueled anti American sentiment and conspiracy theories about U.S. intentions.

The United States can do a number of things. U.S. officials can, for example, call on the Egyptian Government to accept visits and reports by the U.N. High Commissioner on human rights, and can speak up in the U.N. Human Rights Commission.

U.S. officials and Members of Congress can also make public mention of particularly important or egregious cases. You know, the argument is sometimes made that there is no point in engaging on human rights issues because in Egypt because it

just doesn't work. This is not true. The actions of Members of Congress and U.S. officials have an effect. Sometimes the effect is direct and prompt, sometimes it is indirect, but it is no less important. And I would like to raise just two examples that came to my attention recently.

So, first, the administration's current withholding of \$195 million in fiscal year 2016 security assistance, I believe has slowed down the Egyptian Government's crack down on civil society and nongovernmental organizations, and has the potential to reverse it. As you have heard from Ms. Hawthorne, President al Sisi signed a draconian law that would make it virtually impossible for nongovernmental groups to operate, but he hasn't really implemented it.

As one Egyptian human rights official told me recently, I can't see any reason why the whole human rights community is not in jail, except that the United States has taken an interest in the matter.

Second, mentioning individual cases of those unjustly imprisoned or persecuted sometimes can have an effect on their fate, on the case itself, but also on the individuals. Mohamed Soltan, an American citizen, tells the story of how a recruiter for the self proclaimed Islamic State approached him during his 2 year imprisonment in Egypt, saying, your government has abandoned you. But Mr. Soltan told the recruiter that he had heard just that day that Senator John McCain had mentioned his case publicly. The ISIS recruiter had no reply to that, and he went on his way.

Hundreds and even thousands of young political prisoners in Egypt can be spared the despair that paves the way to radicalization and violence if they hear that their plight is being mentioned in the United States. What you do and say here in Congress, as well as in the administration, matters deeply. When it comes to the future of Egypt, a long time ally, in whose present and future, the United States still has an important role to play. Thank you, Mr. Chairman.

[The prepared statement of Ms. Dunne follows]

PREPARED STATEMENT OF MICHELE DUNNE



CARNEGIE
ENDOWMENT FOR
INTERNATIONAL PEACE

Congressional Testimony

Egypt: Human Rights, Seven Years After the Revolution

Michele Dunne

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Carnegie Endowment for International Peace

Testimony Before the Tom Lantos Human Rights
Commission of the United States Congress

December 6, 2017

Co-chairmen and members of the Commission, thank you for inviting me to testify. You have heard from the other witnesses about the shocking and unprecedented human rights abuses in Egypt since the 2013 military coup. I will offer recommendations about how the United States, a longtime ally and supporter of Egypt, should engage on these issues.

The United States needs to be concerned about human rights conditions in Egypt for several reasons. There is a long-standing American commitment to the principle of defending and advocating internationally recognized human rights norms. Rights abuses in Egypt also endanger U.S. interests as well as those of our close allies in Israel and Europe, who can be affected directly by violence emanating from the country. Since the coup, the military-led government has inflicted repression and humiliation especially on younger Egyptians, whom it apparently fears due to the 2011 youth-led revolution. This has created a widespread sense of injustice and desperation that makes young Egyptians particularly susceptible to recruitment by terrorist groups in the country, who seem to have an unending supply of foot soldiers to fuel an insurgency that is escalating, as demonstrated by the recent horrific attack on a Sinai mosque.

Beyond principles and interests, the United States has a special responsibility to address human rights abuses in Egypt due to its longtime relationship with that country's government. The Egyptian military in particular has received more than \$47 billion in security assistance from American taxpayers since the mid-1970s, including about 20 percent of all U.S. Foreign Military Financing funds in fiscal year 2017.¹ That military is now ruling the country in a far more direct, brutal, and rapacious fashion than it has at any time since the bilateral relationship began. As a result, Egypt is increasingly vulnerable to instability due to a toxic combination of economic hardship, new laws that legitimize repression, human rights abuses, and terrorist violence.

How to undo the Gordian knot of military rule and rights abuses is a problem for Egyptians, not Americans. But as Americans we must look ourselves in the mirror, ask whether we are playing as constructive a role as possible, and adjust our actions accordingly.

My specific policy recommendations for the U.S. Congress and administration regarding engagement with Egypt on human rights are as follows:

- **Ensure that U.S. security assistance to Egypt is not used to carry out human rights abuses.** Within the past year alone, evidence has emerged that American-provided equipment has been used to carry out summary executions in the Sinai, and that American-trained security units have performed degrading exams on suspected members of the LGBT community.² The U.S. government should implement the recommendations contained in the April 2016 General Accountability Office report calling for strengthening end-use monitoring and human rights vetting, which the government of Egypt has often blocked.³
- **Act more assertively on behalf of American citizens and organizations that have been targeted in Egypt.** Whether we are speaking of American citizens who have been wrongfully imprisoned or the employees of American organizations and their Egyptian partners who have been unjustly prosecuted, it is imperative that Congress and the

administration press for full resolutions such as releases, acquittals, or pardons. No one in Egypt will take U.S. concern for rights and freedoms seriously if the United States does not even stand up for its own citizens and organizations.

- **Conduct the bilateral security assistance relationship with Egypt so as to signal that security and human rights are not separate realms, but rather deeply connected.** Maintain or expand the percentage of security assistance that can be withheld based on human rights conditions, and remove the waiver for national security interests or at least add clear benchmarks. Congressionally-imposed conditionality has provided unprecedented leverage, which the Trump administration is now using to show concern about a number of issues including human rights and the situation of non-governmental organizations.
- **Build an enduring relationship with the citizens of Egypt by showing that the United States is aware of their concerns and is using all venues to advocate respect for their rights.** While U.S. officials and some members of Congress are reluctant to publicly mention concerns about human rights violations for fear of offending Egyptian government interlocutors, it is important and effective to do so. The current administration should not repeat the mistake made during the term of deposed Egyptian President Mohamed Morsi, when the failure of U.S. officials to criticize his undemocratic actions fueled anti-American sentiment and conspiracy theories about U.S. intentions. The United States should call on the Egyptian government to accept visits and reports by the United Nations High Commissioner on Human Rights as well as UN special rapporteurs to investigate alleged torture, extrajudicial killings, and other abuses, and should speak up in the UN Human Rights Commission. U.S. officials and members of Congress should make public mention of particularly important or egregious cases.

The argument that is often made against active engagement on human rights issues in Egypt is that no matter what the United States does, the situation will not improve. This is not true; the actions of members of Congress and U.S. officials have an effect. Sometimes the effect is direct and prompt; other times it is indirect but no less important. Let me give just two examples that came to my attention recently:

- First, the administration's current withholding of \$195 million in FY2016 security assistance has slowed down the Egyptian government's crackdown on civil society, and has the potential to reverse it. President Abdel Fattah el-Sisi has signed a draconian new law that would make it impossible for non-governmental groups to operate, but not yet implemented it. An Egyptian human rights defender told me recently, "I can't see any reason why the whole human rights community is not in jail—except that the United States has taken an interest in the matter."
- Second, mentioning individual cases of those unjustly imprisoned or persecuted can have important effects not only on the case but on the individuals themselves. Mohamed Soltan—an American citizen—tells the story that a recruiter for the self-proclaimed Islamic State (ISIS) approached him during his two-year imprisonment in Egypt, saying

“your government has abandoned you.” Mr. Soltan told the recruiter that he had just heard that day that Senator John McCain had mentioned his case publicly; the ISIS recruiter had no reply and went on his way. Hundreds, even thousands of young political prisoners could be spared the despair that paves the way to radicalization if they hear that their plight is being mentioned in the United States.

What you do and say here in Congress, as well as in the administration, matters deeply when it comes to the future of Egypt, a long-time ally in whose present and future the United States still has an important role to play.

¹ Jeremy M. Sharp, “Egypt: Background and U.S. Relations,” Congressional Research Service, March 24, 2017, <https://fas.org/sgp/crs/mideast/RL33003.pdf>; and Susan B. Epstein, Marian L. Lawson, and Cory R. Gill, “State, Foreign Ops, and Related Programs: FY2017 Budget and Appropriations,” Congressional Research Service, May 26, 2017, <https://fas.org/sgp/crs/row/R44391.pdf>.

² Human Rights Watch, “Egypt: Video Shows Army Executions in Sinai,” April 21, 2017, <https://www.hrw.org/news/2017/04/21/egypt-videos-show-army-executions-sinai>; U.S. Department of State, “Egypt” (mentions INL assistance to Forensic Medical Authority), <https://www.state.gov/j/inl/regions/africamiddleeast/218983.htm>; and Reuters, “Egypt ‘hunting down’ gays, conducting forced anal exams – Amnesty,” September 30, 2017, <https://www.reuters.com/article/us-egypt-rights/egypt-hunting-down-gays-conducting-forced-anal-exams-amnesty-idUSKCN1C50D3>.

³ United States General Accountability Office, “Security Assistance: U.S. Government Should Strengthen End-Use Monitoring and Human Rights Vetting for Egypt,” Report to Congressional Requesters GAO-16-435, April 2016, <https://www.gao.gov/products/GAO-16-435>

Mr. HULTGREN: Thank you, Dr. Dunne.

Thank you all so much.

I am going to turn to questions. I think other colleagues will be coming in in a few minutes here. But, first, if I can address to Ms. Hawthorne, and all of you, following up on Dr. Dunne's statements as well. You painted a pretty bleak picture of civil society and rule of law in Egypt. It seems that many of these restrictive laws were passed recently, and that there is significant momentum to continue this trajectory, some question about implementation, if that is being delayed or not.

Why do you think the current Egyptian administration is following the same steps of its predecessors? And what is the reason for closing off this civil society space, do you think?

Ms. HAWTHORNE: Thank you. That is an excellent question. My assessment is that the Egyptian Government, the Egyptian regime, is afraid of its own people. It is afraid that if young people and other Egyptians are allowed to freely express their opinion, organize peacefully, take part in politics, promote different visions than the one that is ruling Egypt now, that this seems to represent a threat in the mind of those who are in power in the country.

And I think if you look at many of the repressive actions and authoritarian actions that have taken place since 2013 when the military led the overthrow the ouster of Mohamed Morsi, you can see a consistent through line, which is laws and practices to basically suppress and control young people, in particular, from taking this role.

I think that those who rule Egypt have many concerns in their mind, but I believe that fear of what the population actually might do if they were allowed to express their opinions about those who rule them freely, I think that they are very apprehensive about that, and that is a major motivation behind all of these actions and practices, and that includes, as Dr. Gurguis said very eloquently, not just Muslim Egyptians, but also Copts. He made a very important point that the regime does not seem to want Coptic Christians to be full citizens, to be politically active to express their views.

Mr. HULTGREN: Thank you, Ms. Hawthorne.

Dr. Gurguis, if I could address to you. You talked about and kind of following up on a previous statement here. You talked about the category of religious affiliation on identity cards and how Copts are excluded from representation in Egypt's state institutions.

How do these two things specifically contribute to a culture of discrimination against the Copts, and does this discrimination appear to be getting worse? And what is needed to make the necessary reforms to combat this?

Mr. GURGUIS: Yes. There is an overall culture of bias or impunity that when you have your identity card, if your name is Gurguis, Michael, Michele, or Saleb, it identifies you right away as a target. The identity cards in all formalities, in all formal applications, even for a club membership, you are required to put it makes it an easy target, you are labeled right away for discrimination.

There is a culture that has developed in Egypt, I would say, since the early 80s where Egyptians have been gradually marginalized. There is a preponderance of Sunni Islam suffocating the social space. Copts are being shoved to the side. And even, I would think that those who are discriminating against Copts are not even aware that they are doing that. That is where there is complete lack of insight in terms of the discrimination that is going on. It is just natural and automatic.

It is a result of a culture of impunity, fanaticism, sometimes even driven by lack of education and even political sophistication on the level of the individual. The attacks perpetrated against the Cops, they are not by ISIS, they are by their neighbors who will often times you will see after Friday prayer they get hyped up, they come out of the villages after Friday prayer, out of the mosque, they start stoning houses of Copts. There was a story that I have a couple of years ago, a 9 year old girl that was thrown out of the balcony of her family's home. What did she do to deserve that? But I would assume these people who perpetrate such acts are not even aware of it. It is a culture of impunity and hate.

Mr. HULTGREN: Okay. Thank you, Dr. Gurguis.

Mr. Stock, if I can address to you the Government of Egypt claims it has a right to keep prisoners without charge in pretrial detention for extended essentially indefinite periods, as long as the court renews, and you talked about this every 45 days, this renewal. In what ways does this violate international law? And is it true that in some cases the Egyptian Government fails to meet the 45 day deadline, but instead of releasing the prisoners they retroactively extend the detention after the fact?

Mr. STORK: Well, let me point out, we are talking about a 45 day deadline in most cases. But the legal limit for the renewals is 2 years, and I illustrated that with a couple of cases with us. In the case Aya Hegazi, that was clearly violated. And then when she was finally brought to trial, okay, charges she was charged. Still, the refusal to grant bail, you know, under international law, the premise should be that people are, you know, continued incarceration should not be the default.

The default would be release, as long as there is no flight risk, no danger to yourself or to your community, et cetera. With Aya Hegazi and many people, certainly don't pose that kind of risk.

So that is clearly an abuse of judicial authority. And I want to point out, it is Egyptian law they are violating. And I haven't heard any rationale for that, it is simply ignored.

Mr. HULTGREN: I wondered, Mr. Stork, are political prisoners singled out for worse treatment than criminals, have you found that to be the case in situations?

Mr. STORK: Yes. Well, I will tell you, the focus the cases we focused on were people who were accused of political acts or demonstrating in opposition to the government, for example. Now, torture is in some ways like discrimination against Christians, a culture issue, a social issue. It is not just a matter of cut and dry law.

So torture is prevalent also in police stations, but what we found that systematically applied and where I think it matters, because it is coming at a very high level inside the Interior Ministry itself is definitely applied to political perceived political dissenters and not common criminals.

Mr. HULTGREN: All right. Dr. Dunne, thank you and your testimony. I appreciate the recommendations that you gave. I think that is important for us as well as very clear challenges are things that we can do as a Congress. In addition to the actions that you mentioned, are there specific people or policy tools in the Egyptian Government that you believe can make positive changes for human rights in Egypt? If so, how can the U.S. Government strengthen its partnership with these entities?

Ms. DUNNE: Well, I do think there are many people in Egypt who are concerned about the human rights situation in Egypt. It has become something that it is really not possible for Egyptians themselves to speak up about. As you have heard, you know, the Egyptian Government has gone after the Egyptian human rights community, partly because I think they just don't want the information coming out. They figure that will the more the information comes out, the more that people are aware of what is going on, and the more people might object.

So, you know, it is less the case in Egypt now than it was, for example, even during the Mubarak period, where you could find people within the Egyptian Government itself, and within the parliament and so forth, who were concerned about the practices and would like to work with us.

I believe Ms. Hawthorne mentioned the case of Muhammad Anwar Sadat, a member of the Egyptian parliament, who was ousted, and he was ousted, it was specifically because he spoke to members of the diplomatic community about this very draconian NGO law that was coming down the pike.

So this is a difficult situation, even for Egyptians who might have private concerns, to work with those in the United States and elsewhere on that. So I think at the

moment it is going to have to be more of a matter of course, private diplomacy, as well as public statements and perhaps speaking up in U.N. bodies.

Mr. HULTGREN: Thank you. I am going to ask a favor. I have a family commitment that I was not able to get out of, but my good friend and colleague, Darin LaHood, said that he would co chair the final 30 minutes of the hearing. So there are quite a few questions that I have that if it is all right, Darren, I am going to give over to you.

So thank you, again, for being here. I look forward to following up. We will continue to talk on this. This is very important. So thank you very much.

Mr. LaHOOD: [Presiding.] Well, thank you, Co Chair Hultgren. My name is Darin LaHood, I am honored to be here. I represent the 18th District of Illinois. I am proud to be part of the Human Rights Commission here, and I will continue with the questions here for Ms. Hawthorne.

What is your understanding of the status of the NGO Law? Is it in effect? If so, how are domestic and foreign organizations working in Egypt affected by the new regulations?

Ms. HAWTHORNE: Thank you. It is my understanding that the NGO Law that President al Sisi signed, ratified back in May, has not been implemented. I believe the technical reason for that is that the bylaws or what they call in Egypt, the executive regulations that go with the law, have not been written yet, and that needs to be done before the law can be brought fully into force.

It is also my understanding that the political reason for that has very much to do with objections from the international community, in particular, the United States about this law. And as you were aware, the United States suspended and cut some aid to Egypt in August, in part, because of concerns over the repression that this NGO Law represents.

So I believe that the international, and particularly U.S. pressure on this law, has actually led President al Sisi not to move forward with implementing it. However, it is important that we keep in mind that even though this new NGO law is extremely draconian, most independent civil society organizations, human rights groups, and other civic groups in Egypt are already living in fear, they are already under siege from their government, which is investigating them, harassing them, bringing charges against them. Even without the implementation of this law, the environment for civil society, and particularly NGOs that are not connected to the government, is very, very, very difficult right now.

Mr. LaHOOD: And I am not sure whether you covered this already. Can you give us a status of the NDI and IRI folks that were convicted in absentia, and where is that at?

Ms. HAWTHORNE: Right. It is my understanding that the 43 defendants who were convicted in June 2013, which includes, of course, I believe 18 Americans, one of whom is Dr. Dunne's husband, there has not been any progress on the appeal process in that case.

So they have been convicted. Ideally, there would be either an appeal process or potentially pardons to, you know, reflect the fact that these people really did nothing wrong, they are not guilty of anything, other than getting in the cross hairs of certain people inside the Egyptian regime.

So that case remains where it has been. I know that the U.S. Government privately is raising this issue, in particular, with President al Sisi.

Mr. LaHOOD: I gotcha.

George, you state that the new law on church construction is not a positive step for Coptic Christian rights in Egypt. What kinds of obstacles are there in the law that prevent the construction of churches? And what are the primary constraints on religious freedom in Egypt?

Mr. GURGUIS: The obstacle that prevent the new law from being applied or let me put it this way: The obstacles of the new law are the same obstacles that we faced with the old law. It is touted as a new improvement. However, when you see the mean criterion for building a church is clearance by security apparatus in Egypt that takes precedence over the law. Churches are being closed for, quote, being praying without a permit. The new law actually was supposed to be followed with a committee that will identify executive steps how to apply the law and send instructions to the governors.

Early on or earlier, the president should approve the building of even a church or fixing a faucet. Now this has been delegated to the government. The governors have not gotten any executive regulation that translate this law into specific criteria that they should take into consideration when they offer a permit.

Since the new law that was passed, actually September 2016, a year ago, not a single church has been approved for building. The committee that was supposed to set these executive criteria for building churches met only twice in a closed session, and no one knows the proceedings of these meetings. They are not open to the public.

Mr. LaHOOD: And what is your understanding of who is putting the pressure or stopping that from happening?

Mr. GURGUIS: In my, I don't know exactly or directly. My best guess will be the security apparatus, state security. Churches are considered the security risk. You have to have a clearance for building a church by the security apparatus. State security,

the central forces or armed the Quawwat al Amn Markazi, the security forces, the central security forces. These all have to get clearance. You have to get clearance before you build a church.

There are constraints in terms of where to build a church, how many people are supposed to be living in the area to build a church, the size of the church. These are all criteria that just put one obstacle after another, almost red tape that you cannot really overcome, the same obstacles that were there before the new law. It is just reinvented as a new law.

Mr. LaHOOD: And do you see any optimism at all that this will be overcome?

Mr. GURGUIS: The culture itself has to change. The culture itself has to change. And you have to have leaders who are intent on changing the culture. Unfortunately, in Egypt it is the opposite. The leaders are following the fanatics, and they bow to them. Closed – several churches have been closed for no other reason other than to abide by the rage or abide to the anger of the local fanatics, that they don't want a church opened. For example, the 21 Copts that were martyred in Libya, slain on the shores, three of them belong to a small village, and they wanted to build a church for them. The Muslim fanatics in that village refused the church be built. It has to go at the periphery of the church of the village to be built.

When you have a church built at the periphery, there is a risk of traveling back and forth from your home to the periphery of the village, and there is a risk that you can be exposed to all kinds of criminal attacks.

Mr. LaHOOD: This issue of construction for Coptics, has the leader of the Coptics in Egypt or the Pope raised this with Sisi? And how have those discussions or dialogue gone?

Mr. GURGUIS: I do believe they have been addressed. I cannot say I am privy to how they were addressed or the exact discussion. The church has been corrupted by the state, there is no doubt in my mind, when you see attacks on the Copts. And we have also Tahrir Institute for Middle East Policy. They have a program that called Eshhad. They document all the attacks. When the church comes out to say the attacks under Sisi have been much less, things have been much better despite every objective measure that says the attacks have actually, increased even compared to Mubarak time, I don't know how you can take any credible statement either by Pope Tawadros or Andrea Zaki, head of the Council of Protestant churches in Egypt. They have issued statements to a delegation by U.S. Congressmen that visited Egypt in February saying that Sisi is the best president in modern age or modern time. I am paraphrasing. I have the statement actually quoted in our statement today.

So the church has been corrupted. I don't take what Pope Tawadros or Andrea Zaki was – I take what they with a grain of salt. In fact, a large grain of salt.

Mr. LaHOOD: Thank you.

Mr. Stork, do you have any comments on that?

Mr. STORK: Not on that. I would like to comment, though, in response to your question about the NGO law. I think Amy outlined the situation quite well. But I would like to point out that the old NGO law, which is, you know, not exactly a shining light of legislative integrity, is the one in effect. And it is under the old NGO law that the case 173 against the American and American related institutions was brought.

And in addition to the cases that Amy mentioned, you know, there are at least a score of the most prominent Egyptian human rights defenders who are under travel bans, have had their assets frozen. There have been in some cases, forbidden to go to work, go to their offices. So the situation, even in the absence of the implementation of this new law, is quite dire.

Mr. LaHOOD: Thank you for that.

Ms. Dunne, the current government uses the threat of the Muslim Brotherhood to justify many of their actions. In your opinion, how much of a threat does the Muslim Brotherhood in Egypt represent to you U.S. interests and/or regional stability? If you could comment on that.

Ms. DUNNE: Thank you, Congressman.

Well, look, the Muslim Brotherhood in Egypt has undergone an enormous crackdown since the removal of President Morsi.

As I mentioned during my testimony, President Morsi, while in office, did many undemocratic things. But the United States was sort of trying to respect the will of the Egyptian people and work with him and his government and not criticize him too much, and so forth. And this led to kind of conspiracy thinking, that the United States somehow was supporting or promoting the Muslim Brotherhood in Egypt. I don't think that was ever true. It was simply that the United States was trying to respect the will of reasonably free and fair elections that took place in Egypt.

Right now most of the leadership of the Muslim Brotherhood in Egypt is either is in prison or some of them in exile as well. In general, the Brotherhood has stuck by a commitment to nonviolence. They are a political opposition, and they certainly oppose the Sisi government politically. But there are you know, there is this danger of more and more young people in Egypt, some of them young members of the Muslim Brotherhood, being recruited to violent terrorist organizations. So I think that has led to a lot of confusion.

We have seen the Muslim Brotherhood organizational apparatus is in a shambles. There are disputes about leadership and so forth. They are not and nor really are they able to put out clear guidance of any kind to their remaining members who are outside of prison.

So, you know, in general I think it is important to continue to distinguish between Islamists who want to practice politics but are not violent and those who clearly espouse a violent path, such as ISIS, al Qaida and lots of other groups. It is important to distinguish between these things and not to conflate them as the Egyptian Government has done saying they are all the same, and that, therefore, you know, anyone who has an Islamist political ideology is just the same as ISIS or al Qaida. And I think that, up to this point, the United States has continued to say it is important to distinguish.

Mr. LaHOOD: I guess, Amy, I will ask you, Ms. Hawthorne. What is your assessment of the practical impact of the government's crackdown on dissent? And what is Egyptian's public perception of the government's crackdown?

Ms. HAWTHORNE: Well, the impact of a crackdown on dissent has been devastating. I have been working on Egypt for a very, very long time, and I am not sure that I have ever heard from my Egyptian colleagues and friends, the level of despondency and despair that exists among many, many, many Egyptians who are fully committed to peaceful political activity. And their lives — many of their lives, their families' and friends' lives, are being ruined simply because they oppose the government. I think the effect has been very, very difficult on people's morale.

However, and these are probably some of the darkest times that Egypt has gone through with regard to repression and authoritarianism in any recent memory. However, I think that the human rights community, the civil society community, the community of prodemocracy activists, they are still there. They are very strong despite the difficult circumstances, and they are very committed, actually, to peaceful political change. So although this moment is a very, very difficult one, I don't believe that they are giving up. And they are still speaking out despite all the pressure.

And if you could just remind me of the second part of your question?

Mr. LaHOOD: But the question was what is Egyptians' public perception the government's crackdown?

Ms. HAWTHORNE: Well, to some extent, there is not full public information inside of Egypt about what is taking place in the country to the degree that there should be. The Egyptian regime has gone to very extreme lengths to crack down on, punish, Egyptian organizations, journalists and the like, who are actually trying to talk about all of the problems that we have mentioned today, even going to the extreme length of blocking about 400 websites of NGOs, research institutions, media outlets, some of which are critical of some of the practices taking place inside Egypt.

So there isn't a full lack of information inside Egypt, but news and information always has a way of traveling. Some people are still active on social media. And many Egyptians are aware of what is taking place, in part because they are living it. And their friends, their neighbors, their colleagues are the ones who are being, you know, rounded up in the middle of the night and disappeared. So there is an awareness, and there is a very, very high level of frustration about what is taking place.

Mr. LaHOOD: Thank you for that.

And in terms of do you believe there is any correlation between the unrest in the Sinai and the recent bombings that have occurred there and this crackdown?

Ms. HAWTHORNE: Well, the situation in North Sinai is extremely complicated. What is taking place in Sinai in some ways is separate geographically and in other ways from what is happening in the rest of the country. It remains very isolated, in large part because of the Egyptian Government's own policies of keeping it isolated.

There is a long standing tradition of repression and authoritarian practices toward the indigenous community in the Sinai. Exclusion, alienation, not being able to have access to many jobs, very difficult socioeconomic conditions. And in the current fight against ISIS in the Sinai, the Egyptian Government, according to credible reports, has used extreme measures to go after ISIS, has used tactics that have caught up a lot of innocent civilians in the process and killed and injured and displaced a lot of people who have nothing to do with terrorism. And so what this does is it creates an environment, I believe, in north Sinai, although the number of terrorists I think is reportedly relatively small. The surrounding communities and the populations in which they live are hard pressed in some cases to cooperate with the state because of how they are treated by their own government. So there are a lot of similarities here in the types of practices, torture, abuse, detention, and so forth.

Mr. LaHOOD: Thank you.

Mr. Stork, same question. Give me your assessment on the political impact of the government's crackdown on dissent.

Mr. STORK: Well, I think in addition to what Amy Hawthorne mentioned, there is not only frustration, there is intimidation, frankly. So that, you know, a lot of activists or would be activist are they know that when they speak out or if attempt to have a peaceful demonstration, the law says any assembly of more than 10 people without prior permission, you are in jail for up to 5 years, these kinds of laws, these kinds of police tactics, you know, they have discouraged so it is in some ways, it is very hard to read the situation in the country. Groups like ours, we are not allowed into the country, so it is very or we have to go in, shall we say, with a very low profile.

So it is much more difficult than it used to be to get a good read. And that is just in Egypt itself. As Amy Hawthorne, mentioned Sinai is essentially closed off. I mentioned in my testimony the case of the journalist who has been in jail for more than 2 years now simply for his, an Egyptian journalist for his reporting, independent reporting, on the situation in Sinai. So, you know, journalists are not allowed in. Even, as I think you are aware, U.S. diplomatic and military observers based in Cairo are not allowed into the Sinai either. So it is really completely closed off. It is really risky to attempt to say what the mood is in Sinai.

Mr. LaHOOD: Yeah. Thank you for that.

Ms. Dunne, how can Congress or the U.S. Government better engage the Egyptian Government on these human rights issues? In a perfect world, what should we be doing?

Ms. DUNNE: Thank you, Congressman.

I think it is important you know, the U.S. relationship with Egypt has become more and more, over time, a security relationship. Sad to say we used to have much more economic aid and people to people engagement and so forth with Egypt than we do now. And so—

Mr. LaHOOD: Just on that point, on the security issue, is it to the benefit of the United States to have that security, or is it to the benefit of the Egyptians and Sisi to have the U.S. supporting their security apparatus?

Ms. DUNNE: Well, certainly it is to the benefit of Egypt to have that support. It is to the benefit of the United States that Egypt be stable and secure. It is a long time ally. It is Israel's next door neighbor. It is in a very important strategic location. So the United States would not like to see Egypt destabilized. And that is exactly the fear, that the current practices in Egypt are leading toward more instability, not less. This is the long standing disagreement. And it has become sharper under President Sisi's government since the military coup of 2013, that in ways the United States Government and the Egyptian Government agree on the challenges, but we don't agree on how to confront them.

Sisi is using scorched earth policies and an iron fist repression to address this terrorist challenge. And the United States and, generally, we don't think that is what works. We understand there has to be military action, law enforcement action, and so forth. But we also tend to think that a more open political atmosphere, media atmosphere, civil society atmosphere, and ability on the part of the Egyptian Government to engage more of the population and get their support against terrorism would work. So it is really important that we have those conversations in the security relationship.

Secretary of Defense Mattis was just in Egypt this week, and that we we have those conversations publicly as well as privately and that we use that security relationship and the other aspects the diplomatic and other aspects of the relationship to deliver that message as consistently as we can in as many channels as we can, that, basically, respect for human rights and improving their security are closely related, that these aren't two completely different things that have nothing to do with each other.

Mr. LaHOOD: And so that balancing act that you just described there and how, in a perfect world, you would be able to do that, is there an example of another country where we have done that the right way and led them to the ultimate goal of what we want?

Ms. DUNNE: Well, I mean, for example, I would raise an example of a country with which we have had a long term security relationship, although of a much smaller size, which is Tunisia. And Tunisia also faces a serious security threat, a terrorist threat, a threat of local indigenous Jihadi terrorists that were have been carrying out attacks and so forth. But they are approaching it in a much more multifaceted way, right? They had a more successful political transition following their 2011 uprising, and the United States continues to work with the Government of Tunisia on security cooperation, counterterrorism cooperation, security sector reform, but also, you know, is able to encourage Tunisia's more open political atmosphere, civil society atmosphere, and so forth.

In other words, that give the Tunisian Government many more tools with which to engage its population, work against radicalization of young people and get the cooperation intelligence and other forms of cooperation from its population against terrorists. It is much more difficult for the Government of Egypt to do that because of the approach that it has chosen.

Mr. LaHOOD: Yeah.

Well, I appreciate the analogy there. Obviously, I think there are, obviously, much different scenarios in terms of the population, in terms of the problems, in terms of the conflict there. And, you know, I think about, you know, countries like Libya, and Yemen, and Syria, that are pretty much lawless, right, and the consequences if Egypt went that direction, right? And so finding that balance, that you know, that balancing those sensitivities on how you have those type of reforms and all those things we want to do in a constructive, substantive way, I mean, obviously, that is what we are all trying to figure out.

Go ahead, George. Do you have a comment on that?

Mr. GURGUIS: If I may interject. Sam Tadros of the Hudson Institute, he teaches at Johns Hopkins, has published a thorough paper in terms of U.S. policy toward Egypt and recommendations to change course. It would be worthwhile looking at.

Just a quick comment on the Muslim Brothers and Sisi's severe crackdown. The Muslim Brothers all you need to do is look at their motto and their flag to understand what their ideology is. It is a totalitarian hate ideology that they espouse. And until and unless they give up their violence tactics, they cannot be mainstreamed into the political system. I have deep mistrust of them. But you just need to read the writings of their advisers or guides, the supreme guides, and know what they are about. It takes one to know how serious a threat they are, as el Sisi is saying.

Mr. LaHOOD: And so am I to understand that you are supportive of Sisi and his government what they have done to the Muslim Brotherhood.

Mr. GURGUIS: I don't support any violence against any human being. I am just saying, when it comes to a group of people that espouse violence, and even if they say "We abandon that," you have to see that they do that for sure rather than take what they do as a tactical step, abandoning violence tactically, but they still have their own old ways.

Mr. LaHOOD: Thank you.

Go ahead, Mr. Stork.

Mr. STORK: Mr. Chairman, in terms of the point you just made about a law abiding society—

Mr. LaHOOD: Yes.

Mr. STORK: I think one of our points is that Egypt today is not a law abiding society. First of all, the laws that have been implemented by decree under President Sisi are in many cases, do not comply with international standards, with the treaties that Egypt itself has signed.

Secondly, I think the laws Egypt does not comply with its own laws. Torture is against the law in Egypt. Okay. Disappearances are against the law in Egypt. These are exactly the kinds of things that are happening. So it is lawlessness at a very high level, as well as at the, sort of, mob level that George was talking about. But we can't have you can't bring law and order to the village, to the city streets, when you have the highest levels of the government essentially sanctioning crimes like torture.

Mr. LaHood. So—

Mr. GURGUIS: In terms of where the security apparatus is intelligence. They are above the law, in general.

Mr. LaHOOD: And so the same question that I asked Ms. Dunne. So how do you engage the U.S. Government in terms of, you know, public policy that would change exactly what you are talking about there?

Mr. STORK: Well, I think one of the key things is the word "public," which you just mentioned. I think the policy you know, when we talk when we talk with our interlocutors in the administration not or previous administrations or in the State Department and the embassies and so forth, we are always assured that, yes, we raise these cases or we talk about human rights every time we you know, we these high level meetings.

Well, frankly, we have no way of knowing if they do or don't or if they do it in the most general way that there is it is essentially meaningless. So I think there has to be as well as private diplomacy, there has to be public diplomacy, there have to be public statements at the appropriate level. And as Michele Dunne mentioned, there has to be consistency. There have to be, you know, the same message from the same messengers, okay, whether it is the Secretary of State or Secretary of Defense or the chief of staff and so forth.

Mr. LaHOOD: Yes, Ms. Hawthorne.

Ms. HAWTHORNE: I would just add to the words of my colleagues, on the terrorism challenge, you know, Egypt does face a very serious terrorism challenge. Some of the attacks that have all of the attacks that have taken place are absolutely shocking against Christians worshipping in churches and against Muslims praying in mosques. It is horrific.

I think the message that the United States, as my colleagues have said, needs to keep sending to the Egyptian Government is, number one, we want you to succeed in vanquishing this terrorist threat. It is in your interest and it is in our interest. But, number two, when you take such a broad brush approach, a scorched earth approach, as Michele mentioned, there is a real risk of alienating and angering People that become more susceptible to radicalization. So the approach is potentially creating even more of the very problem that they are trying to address.

And, third, I think it is very important to understand that, when you have a regime that has organized so many resources and is exerting so much effort to arrest, interrogate, detain, imprison, peaceful activists who have nothing to do with terrorism in fact, they also spend a lot of their time opposing ISIS just as they criticize the human rights practices of the Egyptian Government there is no way that that approach cannot but divert resources, attention, energy from what needs to be a laser like focus on the bad people in Egypt by kind of spending so much time and effort as they do going after people who have nothing to do with terrorism. It can't help but dilute and make their efforts against the real threat much more difficult. So the U.S. needs to keep mentioning this to our Egyptian official colleagues.

Mr. LaHOOD: Thank you.

George, do you have one more comment?

Mr. GURGUIS: Yeah. I agree with Ms. Dunne and Mr. Stork have said. The United States has a moral weight and has the weight of the power of the purse. Several people would say you cannot put pressure. The change has to come from them. In fact, we need to put pressure on Egypt to effect the change, they do not listen to any if you leave them to their devices, there is a culture that has developed since 1952, basically dictatorial culture, "I say and I know what is right, and you just need to obey."

The United States needs to exercise the power of the purse and guide Egypt through it is a tumultuous time. You don't need Egypt to be a failed state.

Mr. LaHOOD: Thank you.

It is 4:00 o'clock. I want to thank you all for your valuable testimony here today on this important topic, and we look forward to staying in touch with you. So with that, the hearing is adjourned.

Thank you.

[Whereupon, at 4:01 p.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

Egypt: Human Rights Seven Years After the Revolution

Wednesday, December 6, 2017

2:30 – 4:00 PM

2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on the current human rights situation in Egypt.

In 2011, the world watched the Egyptian revolution with awe and trepidation as hundreds of thousands of Egyptians took to the streets to press for the universal rights they had been denied. Egyptians and the international community were filled with both hope and fear over the kind of government that might develop in the space created by the resignation of President Mubarak. Almost seven years after the revolution, has the human rights situation improved in Egypt?

In August 2017, the Trump Administration announced its intention to withhold foreign aid to Egypt citing a lack of progress on human rights and democracy. Earlier this year President Abdel Fattah al-Sisi ratified a new NGO law that restricts civil society groups in Egypt from implementing developmental and charity programs outside of government control. Other laws have passed placing state control over media outlets, expanding the President's power to appoint members of top judicial bodies, limiting the freedom of Coptic Christians to build and maintain churches, and criminalizing peaceful protesting and political activity.

Thousands of prisoners languish in Egyptian prisons without charges, access to legal counsel, due process, or proper food and medical care. Political prisoners and LGBTQ people undergo torture and harsh treatment in solitary confinement. Egypt's Coptic Christians continue to endure persecution at the societal level and by the state, with several church closures in October alone.

Expert witnesses will present testimony addressing each of these different aspects of the human rights situation in Egypt, and will offer recommendations on how the

United States government can more effectively engage the Egyptian government on these issues.

Panel I

- **Amy Hawthorne**, Deputy Director for Research, Project on Middle East Democracy
- **George Gurguis**, President, Coptic Solidarity
- **Joe Stork**, Former Deputy Director of the Middle East and North Africa Division, Human Rights Watch
- **Michele Dunne**, Senior Fellow and Director of the Middle East Program, Carnegie Endowment for International Peace

This hearing is open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, <https://humanrightscommission.house.gov/>. For any questions, please contact Jamie Staley (for Mr. Hultgren) at 202-226-1516 or Jamie.Staley@mail.house.gov or Kimberly Stanton (for Mr. McGovern) at 202-225-3599 or Kimberly.Stanton@mail.house.gov.

Sincerely,

Randy Hultgren, M.C.
Co-Chair, TLHRC

James P. McGovern, M.C.
Co-Chair, TLHRC

**PREPARED STATEMENT OF THE HONORABLE JAMES P. McGOVERN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
MASSACHUSETTS AND CO-CHAIRMAN OF THE TOM LANTOS HUMAN
RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Egypt: Human Rights Seven Years After the Revolution

Wednesday, December 6, 2017

1:30 – 4:00 PM

2255 Rayburn House Office Building

Prepared Statement

Good afternoon. I join Co-Chair Hultgren in welcoming you to this Tom Lantos Human Rights Commission hearing on human rights in Egypt. And I also extend my thanks to the witnesses for their long-standing commitment to human rights and for sharing their expertise with us today.

It has been just over two years since the Commission last held a hearing on human rights in Egypt. I wish I could say that things had improved in the interim, but that does not seem to be the case.

Two years ago we were concerned about the severe crackdown on political dissent and freedom of expression that had taken place in the aftermath of the military intervention that removed Mohammed Morsi of the Muslim Brotherhood from office and installed Abdel Fattah el Sisi.

Some 40,000 people had been detained, charged or sentenced due to their purported relationship with the Brotherhood. There were documented reports of unlawful killings, torture, suppression of civil liberties, and lack of due process. People had been

forcibly disappeared; others were dying in prison; others were banned from travel. A record number of journalists were behind bars.

Today we will hear that these abuses continue, now routine and systematic – one of our witnesses will describe the “machinery of repression and the institutionalization of injustice.”

Since the beginning of 2015, another 26,000 people have been arrested.

One new element of the institutionalization, not fully implemented yet, is the NGO law ratified by el Sisi earlier this year. Law 70 of 2017 restricts foreign funding, criminalizes peaceful, legitimate civic activism and makes violations subject to criminal prosecution.

The situation today is described as worse than under former dictator Hosni Mubarek – conditions are more terrible than those that prompted the 2011 revolution in the first place.

We will also hear about the disproportionate impact of repression on certain communities:

- Coptic Christians, subject to institutionalized, daily, systematic discrimination punctuated by terrorist attacks against churches;
- The LGBT community, whose exercise of the fundamental freedom of expression has led to dozens of arrests and a very real threat of criminalization of homosexuality;
- The swelling prison population, severely overcrowded, where people are denied food, medicine, basic hygiene and reading materials. Many of those subject to these inhumane conditions are political prisoners.

In the end, so much of this is justified by the Egyptian regime using the discourse of anti-terrorism. Egypt is one of those countries where the so-called “war against terrorism” justifies everything.

There’s just one problem: it’s not working. A few days ago, more than 300 people were killed in a terrorist attack in a mosque in the Sinai peninsula. More than 40 were killed in attacks on Coptic churches on Palm Sunday last spring. Those responsible focus purposefully on civilians. Sectarian divides are deepening.

Much of the repression and humiliation the government inflicts is directed at young people. Their sense of injustice and desperation may make them particularly susceptible to recruitment by terrorist groups.

In short, things in Egypt are going in the wrong direction. We need to ask ourselves what role our own policies are playing, in a country that received some 20% of all U.S. foreign military financing during the current fiscal year.

Is our leverage really so limited? Or is it that we're not using it?

I very much look forward to hearing your recommendations.

Thank you and I yield back.

STATEMENT OF HIS HOLINESS POPE TAWDROS II, ADDRESSED TO THE UNITED STATES CONGRESS

Coptic Orthodox Patriarchate
H.H. Pope Tawadros II
Pope of Alexandria and
Patriarch of the See of St. Mark
The Papal Center



بطريركية الأقباط الأرثوذكس
قداسة البابا الأنبا تواضروس الثاني
بابا الإسكندرية
وبطيرك الكرازة المرقسية
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222 Ramses St., Abbaseya, Cairo, Egypt

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تليفون: ٠٢٤٨٢٢٥٨٠ فاكس: ٠٢٣٥٣٦٥٨٨٠

22nd February 2017

**Statement by His Holiness Pope Tawadros II
Pope of Alexandria & Patriarch of the See of St. Mark**

Addressed to the United States Congress

Egypt has a long history of rich civilization from the Pharaoh era, then with the entrance of Christianity to Egypt in the middle of the first century through St. Mark the Evangelist, followed by the entrance of Islam, through out the years and with today's population of over 90 million Egyptians, we have always lived peacefully and in harmony.

The Coptic Orthodox Church is the oldest and largest in the Middle East and with the largest Christian population, Coptic Christians today are around 15 million scattered inside and outside Egypt.

President Abdel Fattah El Sisi is concerned with the needs and rights of all Egyptians regardless of religion, working hard to ensure that Christians get all their rights as Egyptian citizens. Coptic Christians have always been excluded from the Egyptian equation, but President Sisi is working towards changing this. Since his election as President of the Arab Republic of Egypt in May 2014, a change towards Christians has been well noticed.

It is for the first time in the Egyptian history that a law has finally been issued by the Parliament recognizing and permitting the building of churches.

Further today there are 39 Coptic Christians in the Egyptian Parliament in comparison to only one Christian in the previous parliament.

President Abel Fattah El Sisi is the first Egyptian president to visit the Cathedral during Coptic Christmas Eve service; he comes in person to greet Christians. This Christmas, he has announced from inside the Cathedral that the government will build a new church in the new administrative capital.

With the attack on Churches in August 2013, about 100 churches and church buildings got destroyed in the same day, with the orders of President Sisi they have all been rebuilt by the government.

Such attacks are far away from Egyptians, both Muslim and Christian Egyptians have always lived peacefully together, any terror attacks comes from outside. Therefore during this incident I said, "If they burn our churches we will pray with our Muslim neighbours in the Mosques, and if they burn the Mosques, we will all pray together in the streets".

We are building our New Egypt and we support our beloved President in fighting terrorism and extremism, we do face problems and conflicts in small villages but we always try to resolve with the spirit of one family.

Egypt today is in need for strengthening the governmental education system, through which we will manage to overcome all types of extremisms.

We pray for those with hatred hearts, may God open their eyes to recognize the devil acts they do, and we pray for our beloved leaders, president, government and parliament, may God grant them wisdom in ruling our country Egypt, and we pray for peace and prosperity for Egypt and the entire world.

✕
Tawadros II

2017-2
Pope Tawadros II
Pope Of Alexandria & Patriarch of the See of St. Mark
Coptic Orthodox Church, Egypt



LETTER FROM REV. ANDREA ZAKI STEPHANOUS, Ph.D., PRESIDENT OF THE PROTESTANT CHURCHES OF EGYPT



رَأْسُ الطَّائِفَةِ الْإِنْجِيلِيَّةِ

THE PROTESTANT CHURCHES OF EGYPT

الدكتور القس أندريه زكي أسطفانوس
رئيس الطائفة الإنجيلية بمصر

Rev. **Andrea Zaki Stephanous, Ph.D.**
President of The Protestant Churches Of Egypt

Rev. Andrea Zaki Stephanous, Ph.D.
1331 Dr. Ahmed Zaki Street
El Nozha El Gedida, Cairo
Egypt

February 17, 2017

Congressman Robert Pittenger
224 Cannon House Office Building
Washington, DC 20515
USA

Dear Sir,

As the President of the Council of Protestant Churches of Egypt, with the membership of nearly 2 million people, I represent most of the Protestants in the Middle East. Following Egypt's largest orthodox community, we are the second largest Christian community in the entire Middle East. I would like to provide you with an Egyptian Christian perspective on the current situation in Egypt and the region. Egypt and the region are facing unprecedented challenges from radical extremists who wish to impose on the people a theological based society, which is intolerant of a diversity views, including those of Christians.

Radical extremists are tearing apart historic nations in the regions such as Iraq, Syria, Yemen and Libya. Ancient Christian communities in Iraq and Syria have suffered greater hardships than most other nations. These communities could face extinction, after nearly 2000 years of history, if the radical extremists prevail.

Egypt faces the exact same challenge. Egyptians, however, are bound together by more than 5000 years of common history. When the radical extremists tried to divide the Egyptian people by faith, the Egyptian people rose and said, "Religion is for God, the nation is for the people."

ص.ب. ٢٨ الفجالة - القاهرة. ت: ٢٦٤٣٧٢٩٠ - ٢٦٣٤٣٤٤٤ - ٢٥٩٣٩٢٥٨ (٠٢) ف: ٢٦٣٤٢٤٤٤ - ٢٥٩٠٣٦١٦ (٠٢)
العنوان: ١٤ ش الشهيد أحمد سعيد عامر متفرع من شارع عبد العزيز فهمي - القاهرة - مصر الجديدة - القاهرة
العنوان التلغرافي: الإنجيلية - القاهرة

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رَأْسُ الطَائِفَةِ الْإِنْجِيلِيَّةِ

THE PROTESTANT CHURCHES OF EGYPT

الدكتور القس أندريه زكي أسطفانوس
رئيس الطائفة الإنجيلية بمصر

Rev. Andrea Zaki Stephanous, Ph.D.
President of The Protestant Churches Of Egypt

As radical extremists in Egypt were removed from power, they ferociously attacked Christian churches and institutions in an attempt to divide Egyptians on communal lines. Over a hundred churches and other Christian properties were damaged or destroyed in August 2013. The Egyptian Christian leadership, however, would not let the radicals succeed. The Christian leadership clearly indicated that they would accept the destruction of all of their churches if it were for the benefit of the Egyptian nation.

In response to these attacks on the Christian community, our president Abdel Fattah El-Sisi has taken unprecedented steps to reach out to and reassure the Christians. He has urged Muslim leaders to promote comity with Christian Egyptian neighbors.

President Sisi's policies supporting the Christian community are unlike any Egyptian leader in history. Following the burning of the churches, President Sisi provided federal funding to rebuild and restore the affected churches. To date, 95% of the damaged churches have been restored, and the remaining 5% are in the final stages of restoration. President Sisi also took decisive military action, through air strikes, in Libya in response to the beheading of Egyptian Christians working in Sirte, Libya. The Church Building law is a significant step forward in recognizing the rights of Christians to build and maintain places of worship.

President Sisi has demonstrated public support for Egyptian Christians, traditions, and practices. He was the first Egyptian President to attend Christmas worship service. To the dismay of Islamic fundamentalists, while speaking at St. Mark's Cathedral in Cairo this year, President Sisi referred to the cathedral as one of the houses of God.

President Sisi promotes the ideals of pluralistic discourse. At Al-Azhar, the primary Sunni institute in the world, He urged them to take the lead in countering religious intolerance and radical extremism.

The overwhelming majority of Muslim citizens, as well as the Sisi government share the Christian community's commitment to the Egyptian nation. Serious challenges remain; radical extremists attacks, economic choices that previous governments avoided, and the curtailment of some political freedoms. The Egyptian people are prepared to address these challenges and suffer the hardship of the difficult choices, because these decisions are for the long-term benefit of the nation.

ص.ب. ٣٨ الفجالة - القاهرة. ت: ٢٦٤٣٧٢٩٠ - ٢٦٣٤٣٤٤٤ - ٢٥٩٣٩٢٥٨ (٠٢) ف: ٢٦٣٤٣٤٤٤ - ٢٦٣٤٣٦١٦ (٠٢)
العنوان: ١٤ ش الشهيد أحمد سعيد عامر متفرع من شارع عبد العزيز فهمي - القاهرة - مصر الجديدة - القاهرة
العنوان التلغرافي: الإنجيلية - القاهرة

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الدكتور القس أندريه زكي أسطفانوس
رئيس الطائفة الإنجيلية بمصر

Rev. Andrea Zaki Stephanous, Ph.D.
President of The Protestant Churches Of Egypt

While not approving of each decision of the government, Egyptian Christians understand these painful decisions are necessary if the remnants of radical extremism are to be removed from Egypt. Egyptians, Muslims and Christians, have seen the face of radical extremism and have rejected it. The overwhelming majority of Egyptians will not rest until radical extremism is removed from Egypt and we are at peace again.

Egyptian Christians know that true peace cannot return to Egypt unless peace also return to the region. Egyptian participation in that effort is an indispensable element if the international effort is to succeed. The radical extremists must be defeated militarily, but the real victory will occur when the battle of ideas is won. Only the people of the region can fight and win the battle of ideas. With a larger population of Sunni Muslims than Iraq, Syria, Lebanon, Jordan, Palestine, Saudi Arabia, Yemen, Oman, The United Arab Emirates, Qatar, Bahrain, and Kuwait combined, Egypt is central to the battle of ideas. Western military action, while effective in combatting extremists on the battlefield, often enhances the radical extremists' theological appeal.

Therefore, winning the battle of ideas can only be accomplished with the continued support of Egypt through the special relationship the U.S. and Egypt have developed over the years. Egypt and the United States must continue to enhance their support of each other in order to win the war against radical extremism.

Sincerely,

Rev. Andrea Zaki Stephanous, Ph.D.
President, Council of Protestant Churches of Egypt

ص.ب. ٣٨ الفجالة - القاهرة. ت: ٢٦٤٣٧٢٩٠ - ٢٦٤٣٤٤٤ - ٢٦٣٩٢٥٨ (٠٢) ف: ٢٦٣٤٢٤٤٤ - ٢٥٩٠٣٦٦٦ (٠٢)
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